

HOUSE OF REPRESENTATIVES.

TUESDAY, February 20, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in Heaven, for that quality of soul which in times of stress or peril lifts men above the sordid and makes them heroes. Sanctify the proceedings of the hour to the public weal and help us to realize that we must work while it is yet day for the night cometh when no man can work; that we may go forward with patriotic zeal and unanimity of purpose as servants of the people. And all praise be Thine. In His Name, amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 32.

Resolved by the Senate (the House of Representatives concurring), That the expenses incurred by the committee appointed by the Vice President and the committee appointed by the Speaker of the House of Representatives in arranging for and attending the funeral of the late Admiral George Dewey, in the Rotunda of the Capitol at Washington, D. C., January 20, 1917, be paid in equal proportion from the contingent funds of the Senate and House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8252. An act to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown*; and

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.

The message also announced that the Senate had passed with amendments bills of the following titles; had requested a conference with the House of Representatives; and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate:

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the President had approved and signed bills of the following titles:

On February 17, 1917:

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 5632. An act for the relief of Aquila Nebeker;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture;

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto;

H. R. 11288. An act for the relief of S. S. Yoder;

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture; and

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon.

On February 19, 1917:

H. R. 10697. An act for the relief of S. Spencer Carr;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the County of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois;

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States;

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 8252. An act to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown*; to the Committee on the Merchant Marine and Fisheries.

AMENDMENT OF THE GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, I would like the Speaker to lay before the House Senate bill 3331 and have the House further insist on its amendment and grant a further conference with the Senate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. ADAMSON. I ask unanimous consent that the House further insist on its amendment and grant a further conference asked for; and I would like to state in a minute or two to the House the reason why I have concluded to ask that a further conference be granted.

Mr. SMITH of Minnesota. Mr. Speaker, reserving the right to object, do I understand the conferees have now concluded that they can agree?

Mr. ADAMSON. I stated that if the House would indulge me a minute or two I would state the reasons why I have concluded to ask the House to grant a further conference. If the gentleman will allow me to make that statement, I think he will be satisfied.

The SPEAKER. The gentleman from Georgia asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, as the House knows, the House made but one amendment to the Senate bill, which was a substitute.

The conferees met and took the substitute bill as the basis of the conference, we stating to the conferees that the House insisted on retaining the form as well as the substance. We found in three consecutive meetings, in which we went over the entire subject, that the Senate had about four objections to our substitute, on which they insisted with more or less determination. After three meetings, failing to agree, we set another meeting for the 22d of November. The House conferees came here, but the Senate conferees did not appear. One, we heard, was sick at home and another had a celebration on hand, and having accounted for two we did not inquire about the third. We adjourned the Joint Subcommittee on Transportation for two days for the purpose of enabling the House conferees to attend that conference. We attended, and the other side did not.

Nothing further was said about a conference until some time in January, when the Senate conferees asked for a meeting. We replied, "If you are ready to yield anything, we will have another meeting; if not, there is no use in wasting time on this, because the House insists on its amendment, and we will not betray the House." Finally, when it looked hopeless, we did meet and declared a general disagreement and reported it to the House. At that time an agreement appeared hopeless, because no concessions were in sight.

Since that time, however, conferences have been going on among members of the House and Senate conferees. Now, whether or not they are prepared to make some concessions, and if so how far, I do not know; but I am perfectly willing to go back and try, assuring the House that the rights of the House shall be protected.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House further insist on the amendments of the House and consent to a further conference requested by the Senate. Is there objection?

Mr. MANN. Reserving the right to object, this whole matter has been treated, up to within a recent period, wholly as a non-partisan proposition. The newspapers state that some very dis-

tinguished gentlemen on the Democratic side of the House and of the Senate have been called into conference with the President, to which, of course, I take no exception. No one on this side of the House has been consulted in reference to any such matters. Now, I do not know whether it is the intention—

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit me—

Mr. MANN. In just a moment. I do not know whether or not it is the intention or expectation that the President—to use the term without offense, or meaning to be offensive at all—is to force the Democratic side of the House and the Senate into some compromise, leaving gentlemen on the Republican side who have been interested in the matter entirely out of consideration. Heretofore it has been treated only as a nonpartisan proposition. It seems to me that it ought to continue to be.

Now, I yield to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Speaker, I simply desire to say this, which will be borne out by gentlemen on the Republican side: There have been a number of informal conferences between various gentlemen interested in this legislation, with the idea of seeing if a common basis could be found on which the Senate and the House might agree about legislation. Those negotiations have gone through various stages without anything final having been agreed upon. Every step of them—and I say that advisedly—has been brought to the knowledge of gentlemen on the Republican side of the House. There has been no intention on the part of anybody to undertake to take the House or any part of the House by surprise, and I am quite sure that nothing will be done, from the understanding that I have had with the gentleman from Georgia, which will take anybody by surprise; but that prior to any attempt at a final agreement there will be sufficient consultation to apprise everybody of the situation and to reserve to everybody his full rights in the matter.

Mr. MANN. Mr. Speaker, of course, I do not know what conferences have taken place involving gentlemen on this side of the House. I have taken a rather active part in connection with this dam legislation from the beginning. I have had no consultations with anybody in reference to the matter—

Mr. SHERLEY. Of course, the gentleman has not—

Mr. MANN. And I have not heard of any.

Mr. SHERLEY. The gentleman from Wisconsin [Mr. LENROOT] has had, and it was my understanding that the gentleman from Illinois [Mr. MANN] was cognizant of what was going on. There was no secrecy about it. The gentleman from Wisconsin—

Mr. ADAMSON. If all gentlemen will yield to me for a minute, I think I can clear up the situation.

Mr. SHERLEY. The gentleman from Wisconsin [Mr. LENROOT] and myself, undertaking informally to carry out what we believed to be the views of men on both sides of the House, have met a number of times. I then met informally a number of times with the Senator from Alabama [Mr. BANKHEAD], and the result of all those meetings has been conveyed in its entirety to the gentleman from Wisconsin [Mr. LENROOT], and I think he will bear witness to the accuracy of that statement.

Mr. MONDELL. Will the gentleman from Georgia [Mr. ADAMSON] yield to me to allow me to ask a question of the gentleman from Kentucky [Mr. SHERLEY]?

Mr. ADAMSON. I will do that, although I think I can straighten this out.

Mr. MONDELL. One of these bills relates entirely to water powers on the public lands.

Mr. ADAMSON. This has nothing to do with that.

Mr. MONDELL. I want to ask the gentleman from Kentucky whether anyone from a public-land State, on either side of the House, has been present in these conferences to which he refers?

Mr. SHERLEY. The conferences have dealt with the bill that relates to navigable waters, and not with the public lands. There were present at a number of conferences, and there have been kept informed, gentlemen who do come from public-land States, and are familiar with the legislation of the House on that particular phase of the matter.

Mr. MONDELL. I have inquired of a number of gentlemen from the public-land States who are tremendously interested, because the rights of their constituents are affected, and have asked them if they knew anything about these conferences, and they have all of them told me that they did not.

Mr. MILLER of Minnesota. I should like to ask the gentleman from Kentucky a question.

Mr. ADAMSON. If gentlemen will yield to me, I think I can compose matters.

Mr. MILLER of Minnesota. The gentleman from Wisconsin [Mr. Esch] is the ranking Republican member on the Interstate and Foreign Commerce Committee. Has he been consulted in these conferences?

Mr. SHERLEY. I have not talked with Mr. Esch, I will say to the gentleman—

Mr. MILLER of Minnesota. I should like to ask one more question.

Mr. SHERLEY. All right.

Mr. MILLER of Minnesota. The Foreign Affairs Committee of the House, of which I happen to be an humble member, has charge of some legislation of this character. The gentleman from Wisconsin [Mr. COOPER] is the ranking Republican member of that committee. Has he been consulted?

Mr. SHERLEY. I have not talked recently with Mr. COOPER.

Mr. MILLER of Minnesota. Now, one further question.

Mr. SHERLEY. Just wait a moment. I do not want to answer questions with an implication in them—

Mr. MILLER of Minnesota. The gentleman does not need to. He has plenty of time.

Mr. SHERLEY. All of these matters have been informal conferences, without any desire to take anybody by surprise, but simply with the desire, if possible, to adjust matters. On a bill of this kind it is impossible to talk with 20 people about every stage of it, when it is under informal discussion; but it was my understanding that the Republican Members were advised, and certainly the gentleman from Wisconsin [Mr. LENROOT] has been in full touch with the situation, and he will bear witness to the fact that there has been nothing done with the idea of having one side of the House alone control the matter.

Mr. MILLER of Minnesota. One further question. Does the gentleman think consulting with the gentleman from Wisconsin [Mr. LENROOT] is a consultation with the Republican side of the House?

Mr. SHERLEY. Oh, no; but I think it is a consultation with one of the best Republicans in the House.

Mr. MILLER of Minnesota. There is no question about that. I would like to ask a further question of the gentleman. As I understood him to state a moment ago, the bill pending relates to navigable streams of the United States?

Mr. SHERLEY. Yes.

Mr. MILLER of Minnesota. The gentleman from Wisconsin [Mr. LENROOT] is the ranking Republican member of the Committee on the Public Lands?

Mr. SHERLEY. Yes.

Mr. MILLER of Minnesota. Which committee, the gentleman intimated, was a committee that naturally would not have particular charge of this class of legislation. Does the gentleman think it is a consultation with the Republican Members who ought to be consulted on a matter of this kind, to consult with a gentleman who is on a committee that has nothing to do with the subject, and to leave out gentlemen Members who do have to do with it?

Mr. SHERLEY. Oh, well, there was no intention—

Mr. MILLER of Minnesota. I do not think there was any consultation at all except with one man.

Mr. SHERLEY. The gentleman can think what he pleases. I am not required to consult him or any other particular man.

Mr. MILLER of Minnesota. Nobody cares to have the gentleman consult me, but when the gentleman speaks of consulting the Republican side of the House, the statement he has made does not bear out the facts.

Mr. SHERLEY. I am willing to submit whether it does or not—

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I do not think all this has much to do with the case. The conferences that have been had with my knowledge have been directed entirely to finding out whether the Senate would yield anything or not. That is all. There was no partisanship. There has never been any on our committee. We respect Mr. Esch, the ranking Republican on that committee, as much as any Member, and this morning we reported out a very important bill in his name because we like him and there is no partisanship in it. As to consultations, they have been directed to two points. The two gentlemen with whom I have talked about them are the two men who have stood for the two propositions. It seems that the insurmountable difficulties were the question of a charge, which the gentleman from Kentucky [Mr. SHERLEY] was the author of, and the question whether we should remit the matter to the Secretary of War, which proposition the gentleman from Illinois [Mr. MANN] has always opposed. We brought in, in his name, the first general dam bill. We had a subcommittee of which he was chairman and I was a member of it. When that law was amended in 1910 we both fought the amendment because we thought the original bill was good enough. I would not allow

anything done on that question without conferring with him; so while we conferred with Mr. SHERLEY and Mr. LENROOT about the tax I have conferred with Mr. MANN, the only other Republican beside Mr. ESCH, with whom I have conferred about it. I want the House to understand now that I do not want any partisan bill here. I have conferred with Senator NELSON as much and as often as with Senator BANKHEAD. Gentlemen will understand that we think we have more sense, when we get into conference, than to bring back a conference report that the House would not adopt. I have not talked to the President any more than I did to the Republican President on commerce matters when the Republicans were in power. And after we get into conference I expect to confer with the gentleman from Illinois [Mr. MANN] as much as with anybody else.

Mr. MANN. Mr. Speaker, of course, I take no exception to the gentleman from Georgia talking with the President. I think it is a perfectly proper thing to do. When this bill went to conference in the first instance, without any vote in the House on any of the propositions except an informal unanimous-consent vote on the disagreement, there was an understanding that the conferees would not agree to certain Senate propositions without giving the House a chance to determine what its attitude would be on those propositions.

Now the conferees reported a disagreement. It has been intimated by certain distinguished gentlemen, not Members of this House but Members of another great legislative body, that the very purpose of reporting a disagreement and getting a new conference was to get rid of the obligations which were made when the bill first went to conference.

I attribute to the gentleman from Georgia the utmost of good faith. I do not question that for one moment, but admitting that entirely, I know what the influence of the Executive at times may be. The House and the Senate have been diametrically opposed on certain propositions relating to water-power development. The gentleman from Georgia said the Senate is willing to yield something; of course they are willing to yield something, but what we want to know really is whether they yield a pin and we give away the whole thing. I do not think that is the disposition of the gentleman from Georgia.

Mr. GARNER. May I ask the gentleman from Georgia a question?

Mr. ADAMSON. I know what the gentleman from Illinois refers to about the purpose of the disagreement. That statement was a pure piece of romance. The disagreement was made because it appeared absolutely hopeless to get an agreement, and since the disagreement the Senate has indicated a disposition to make concessions. If they do not make substantial concessions, they will get no agreement from me. I never have betrayed the House.

Mr. MANN. The gentleman from Georgia never has betrayed the House, but the gentleman's attitude and the attitude of the other House conferees on this bill has not been in conformity with the attitude of the House as expressed on several occasions. I have no desire, so far as I am concerned, to change conferees. I have the utmost faith in the conferees, but their personal opinion is not the same as the opinion expressed by the House heretofore.

Mr. ADAMSON. The gentleman refers to the charge question?

Mr. MANN. I refer to the whole question.

Mr. GARNER. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. GARNER. Does the gentleman from Georgia go into the conference still considering the agreement made with the House heretofore as still in force and that it still holds?

Mr. ADAMSON. I will say that unless we go in with some latitude to talk, propose, and discuss things it is of no use to go into conference.

Mr. GARNER. There is no disposition to deprive the conferees of talking, hearing, and discussing every item.

Mr. ADAMSON. I have no disposition to bring in any report not in conformity with the wishes of the House.

Mr. GARNER. The gentleman will remember that we had a distinct understanding as to the views of the House; does the gentleman still believe that that is the view of the House?

Mr. ADAMSON. My understanding is that the Senate conferees propose to agree to the proposition which the gentleman has in mind.

Mr. GARNER. And the gentleman will give us a chance to vote on that?

Mr. ADAMSON. I shall not give away the amendment without the consent of the House.

Mr. SIMS. Mr. Speaker, reserving the right to object, I want to make a statement in view of what has just been said by the

gentleman from Illinois [Mr. MANN]. There has never been any general dam legislation or general bridge legislation that has not provided that in the erection of each bridge, even a highway bridge over a navigable stream, the consent of Congress by a specific bill for that particular project must be obtained. There has never been any general dam legislation that has not provided for the same condition. The House amendment to this bill provided that a special bill authorizing a dam shall be passed in each case. The House has not consented to yield to the contention of the Senate as provided in the Senate bill that only the Secretary of War shall be consulted. There is no part of our bill that I have stood for more firmly in conference and out than that we shall pass no general dam legislation that authorizes the Secretary of War to authorize these water-power dams to be constructed without the consent of Congress in each case. I contend that a special act in each and every case shall be passed by the Congress. There are 435 Members of this House to be consulted on each project, and with scrutiny of the 435 Members on each bill there is going to be no joker dam bills that will get through here. I am not impugning the motives or the wisdom, even by implication, of the present Secretary of War, or any Secretary of War in the past or in the future, but the office of Secretary of War is a political office. Sometimes the personnel changes two or three times during one administration. Therefore, I think it exceedingly important that Congress should retain jurisdiction on each project. As far as I am concerned, unless I am instructed by this House to yield on that particular feature of the House amendment to the Senate bill, there will be no yielding done on my part, and any insinuation that I am not in harmony with the action of the House is uncalled for and unwarranted by any action or any utterance of mine that has fallen from my lips in committee or in the House.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry. What is the parliamentary status?

The SPEAKER. The parliamentary status is that this colloquy has been going on for 15 or 20 minutes, with nothing before the House.

Mr. HUDDLESTON. I call for the regular order.

Mr. ADAMSON. Mr. Speaker, I do not think the gentleman from Illinois insinuated—

The SPEAKER. The gentleman from Alabama demands the regular order.

Mr. ADAMSON. I would be glad to have the gentleman from Wisconsin [Mr. LENROOT] say a word.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LENROOT] have five minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Wisconsin may proceed for five minutes. Is there objection?

Mr. SMITH of Minnesota. Mr. Speaker, I will ask the Chair to recognize me for the purpose of making an objection to the request of the gentleman from Georgia or to reserve an objection. I would be glad to have the gentleman from Wisconsin [Mr. LENROOT] proceed for five minutes, but I want an opportunity to make an inquiry of the gentleman from Georgia.

The SPEAKER. The trouble is that the regular order has been demanded by a Member of the House.

Mr. HUDDLESTON. Mr. Speaker, I withdraw the demand for the regular order and reserve the right to object.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the gentleman from Wisconsin [Mr. LENROOT] have five minutes?

Mr. ADAMSON. Will not the gentleman permit me to conclude the remarks I was making about the gentleman from Illinois [Mr. MANN]? I was going to say that I do not think the gentleman—

The SPEAKER. The gentleman from Georgia has not the floor.

Mr. ADAMSON. I understood the gentleman from Wisconsin to consent.

The SPEAKER. The gentleman from Wisconsin has five minutes only, and the House has the rest.

Mr. ADAMSON. Will not the gentleman yield me just a moment?

Mr. LENROOT. I yield to the gentleman for half a minute.

Mr. ADAMSON. Mr. Speaker, the gentleman from Illinois [Mr. MANN] refers to the amendment about charging, which I always have opposed, because I do not believe it would bring money, but the House wants it, and I am the House's lawyer, and I am for it as long as the House wants it.

Mr. LENROOT. Mr. Speaker, I would like to state just exactly the situation as it exists, as I understand it. Something like a month ago I received a letter from Senator BANKHEAD ask-

ing me if I would join in an informal conference with the gentleman from Kentucky, Mr. SHERLEY, the gentleman from Illinois, Mr. RAINEY, the gentleman from Illinois, Dr. FOSTER, and the gentleman from Oklahoma, Mr. FERRIS, with a view of discussing this dam legislation. I readily agreed to it, as I am always ready to informally confer with any Member of the House upon any matter of important legislation. We did meet, and nothing came of that meeting. We found ourselves just as far apart as the House and the Senate are apart upon the bill. The gentleman from Kentucky [Mr. SHERLEY] afterwards asked me whether I would sit down with him and go over the House bill and the Senate bill, with a view of seeing what we individually, representing no one but ourselves, might be willing to agree to. We did that, and we drafted or redrafted a bill that contains every provision that is contained in the bill as it passed the House and some others. I understand from Mr. SHERLEY that he presented that to Senator BANKHEAD, and that they have come back with a proposition to him that contains substantially the bill as passed by the Senate. So the fact is that these informal conferences up to this point have accomplished nothing and have gotten nowhere, and they amount to nothing further than any Member of the House on either side of the aisle is justified in making with anybody.

With reference to the conferences, I did report the matter to the gentleman from Illinois [Mr. MANN] in a general way, but as nothing was being accomplished I did not go into detail with him, and nothing has been accomplished up to this time. That explains the situation as it exists; but I want to say further that before this bill went to conference in the House last year several gentlemen had an informal understanding with the chairman of the committee, Judge ADAMSON, among them the gentleman from Illinois, Mr. MANN, the gentleman from Kentucky, Mr. SHERLEY, the gentleman from Illinois, Dr. FOSTER, and myself. Those I now recollect; I think there may have been others. The informal agreement reached was this: That, in view of the attitude of the House, a conference agreement would not be reached without its being submitted to at least that number of gentlemen and found satisfactory to them, upon the understanding that this group of men represented the views of the House in a general way. I do not understand that the motion that the gentleman from Georgia now makes is made for the purpose of avoiding that informal understanding, but that the gentleman agrees to keep it just the same as if no disagreement had been reached.

Mr. ADAMSON. Mr. Speaker, I do not think the conferees would have any disposition to bring in any report contrary to the will of the House.

Mr. LENROOT. That is a little different proposition from the one I stated. The gentleman's informal agreement was that—

Mr. ADAMSON. It was stated in the House that the conferees would observe the wish of the House in its conference.

Mr. LENROOT. No; I sincerely hope the gentleman—

Mr. GARNER. That is exactly what I suggest. That the informal understanding had should be adhered to.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. I can not yield. This is too important a matter.

Mr. ADAMSON. I thought we agreed about it.

Mr. LENROOT. The gentleman from Illinois [Mr. MANN] made exactly the agreement I stated, and I certainly do not expect by reporting a disagreement and then asking for a new conference that the gentleman from Georgia thinks he is going to avoid that agreement that he made informally.

Mr. ADAMSON. The purpose of the disagreement was to get the Senate to agree, not the House. We have no idea in the world of betraying the interest of the House.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HUDDLESTON. Mr. Speaker, I demand the regular order.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Alabama demands the regular order.

Mr. SMITH of Minnesota. Will the gentleman withdraw that for a time?

Mr. HUDDLESTON. I am willing to have the gentleman have five minutes, and then I shall make my demand for the regular order.

Mr. SMITH of Minnesota. I renew my request.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. Mr. Speaker, this bill went to conference over six months ago, and only a few days ago the con-

ferees reported back to the House that they were unable to agree. The House accepted that report and discharged the conferees. This morning, in the closing hours of this session, we are asked to again report conferees to consider the Adamson bill and the Shields bill. I think, Mr. Speaker, it is very unwise, in the congested condition that we find the calendar, to again have conferees appointed to consider this matter at this late hour. It is a proposition so important that we can not do it justice at a time like this, and I trust that the gentleman from Georgia [Mr. ADAMSON] will withdraw his request. It is farcical to attempt to whip into shape a bill of this kind at this late hour.

Mr. DILL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Minnesota. No; I can not. Mr. Speaker, there are three or four distinct propositions that every water-power bill must contain if it is going to protect the rights of the people.

ESSENTIAL FEATURES OF A SAFE PUBLIC WATER-POWER BILL.

First. There is the recapture clause providing for a safe and effective process by which the Government for the protection of the public interest may recover its valuable water-power property after the expiration of the lease to the private corporation.

Second. There is the feature of public regulation of rates and use to protect the public against extortionate power and lighting charges.

Third. There is the preferential provision giving to a public corporation, such as the State, a municipality, or Federal institution, preference as lessee over a commercial corporation in competitive application for a lease.

Fourth. There is the section reserving the right of the United States by act of Congress to amend or repeal the act to meet the public interest and change of national conditions.

Fifth. But of far less import than the above is the provision for a public charge for the use of the power in the form of a public rental.

The great and essential provisions for the protection of the public in its vast water-power properties are the four first named, namely, recapture, rate regulation, public preference, and repeal.

I maintain that the idea that we must make a charge is the least of these, and I have expected from the time this legislation was framed and brought in, in the way it has been, that the Senate would yield on the question of charge. Now, if the Members of the House will bear with me for just this one statement, I will ask them in all candor, what does it amount to, what difference does it make to the Hydroelectric Trust—and I speak without any disrespect of that organization, because it is a business that is monopolistic in its very tendencies, and you can not stop it—if we are going to get the best results, what difference does it make what charge you make upon a monopoly when that monopoly can charge it back on the public that will use the current? Now, that is it in a nutshell, and any scheme that attempts to make this House believe that because the Senate is yielding this point is deceiving the House and obscuring the principal features of the bill. Let us not be led astray on this proposition of charge. Why, gentlemen—

Mr. ADAMSON. Will the gentleman yield?

Mr. SMITH of Minnesota. No; I want to complete this statement and then I will. One of the leading water-power advocates in this country was in conversation with me one day, and I said, "Mr. —, why do you put so much force and strength upon the proposition of charge?" "Why," he said, "that is the only part of this bill that the public understands, and that is why I am harping on it." Now, the public does understand the Hydroelectric Trust will pay something into the National Treasury, and for that reason it appeals to and appeases them, but we can see that a charge amounts to nothing. It is only taking money out of one pocket and putting it in another.

PRACTICAL EFFECT OF A PUBLIC RENTAL CHARGE.

Any layman can see the practical effect of a public rental charge for the use of the water power. It is simply one of the fixed charges, like interest and taxes, which must be met by an increase of rates to yield a return upon the capital invested.

Any public-utility commission, whether State or Federal, would allow the lessee company to increase its rates to meet this extra fixed charge. Otherwise the company might be shorn of sufficient earning power to warrant its existence as a business enterprise. If the margin of profits which the State or Federal public-utility commission, or War Department, as the case might be, decided was a reasonable return for the invested capital was, say, 8 per cent, as some State commissions have ruled, the rate charged by the lessee company for power and lighting would be increased by the public commission to the point that it would yield 8 per cent profit upon this extra public rental charge plus the usual operating and fixed charges.

In other words, every dollar of extra cost represented by the public rental charge paid to the Government is an item of cost of operation and maintenance—an item of the cost of production—for which the public user must pay in additional rates. There is no escape from this proposition. It is elemental. The public rental charge, in the last analysis, is simply a method of causing the purchasers of hydroelectric power and light, the local consumers, to contribute to the Federal Treasury. The corporation which holds the lease simply passes it on to the consumer, and every public-utility commission and every court would permit the act as a justifiable business transaction necessary to protect the holders of its securities.

I am not opposing the rental charge. It may have its benefits. The Government may be entitled to a just rental on its vested interest. But I am simply stating the plain facts of the case as they are. Incidentally, also, we may find here why the corporate interests behind the Senate bill are so willing to make this concession. They are entirely willing that consumers should pay money into the Public Treasury. They are willing, moreover, that Congress by this provision should legalize a higher standard of public-utility rates generally. The higher rate standard thus produced by this act for water-power leases issued thereunder is a profitable margin of protection for existing water powers, perhaps owned by the same corporations, which do not pay this public charge to the Government. In this way this provision works both as insurance against competition with water powers already developed and exempt from this public charge, but also gives them an extra margin of profit to the amount of the increase in rates sufficient to take care of the public rental charge paid by lessees under this bill.

Do not for a moment, therefore, be deceived into thinking that the interests behind the Senate bill are making any concessions in offering to compromise in favor of a public rental charge. They are conceding nothing. On the other hand, they are simply adding to the profit margins of existing plants owned by them. They are doing it, moreover, under the guise of false pretenses. Their generous offer is that of the traditional Greeks offering gifts. Their pretended concessions to reform are the professions of the wolf in sheep's clothing.

Let us not be led astray by the proposition that a surrender by the Senate of the right to make a charge is going materially to affect any legislation we may enact concerning this proposition. Now I yield to the gentleman.

Mr. ADAMSON. I suppose the gentleman failed to hear my statement that the House amendment was the basis of our conference and the House conferees have no idea of taking anything but the House bill as the basis.

Mr. SMITH of Minnesota. Now, let me understand—

Mr. ADAMSON. The House conferees intend to bring back the House bill.

Mr. SMITH of Minnesota. If the conferees can get the Senate to adopt the House bill just as it passed, I have no objection, and I will vote for the conference report, but we will take nothing less than that. There is not an item in the House substitute bill that really is not necessary in order to make an effective piece of legislation which will protect the rights of the people, except section 19.

AN UNLIMITED FRANCHISE TO THE HYDROELECTRIC TRUST.

In the very nature of the case, an act of this kind is in effect an unlimited franchise to the great Hydroelectric Trust, which has absorbed the bulk of the large water-power companies of the country. It should be considered by Congress in that light. We do not need any additional evidence on that point. For six years past every Government commission dealing with the subject, and a score of experts and publicists appearing before the committees of this House have testified, until the world knows that an aggregation of interwoven hydroelectric corporations control practically all of the important developed water powers of the United States and much of that of Canada, and constitute the parties with whom we are dealing in this so-called general dam act. In its very nature, the water-power grant is a monopoly, and the Hydroelectric Trust is a consolidation of monopolies. We, as representatives of the American people, are simply naming the terms upon which the people shall issue a charter to this hydroelectric monopoly. We are naming the terms upon which the people are to allow this hydroelectric monopoly to hold and operate one of the greatest public resources in the national possession.

Moreover, this franchise we are granting is not merely for a day. It is not something which may be recalled the next session or the next year. It may be a grant which will govern the Nation for a half century; or, if we are hasty or otherwise neglectful of our full public duties, it may be in effect a franchise forever.

We are dealing with huge responsibilities. Everyone knows that the coal supply of this country is limited, that it is beginning to show exhaustion, and that it can never be replenished. Its days are numbered. Long before the proposed 50-year hydroelectric franchise demanded by the trust in the terms of the Senate bill has expired the coal supply of this country will be so far exhausted that our very industrial existence as a Nation will hang upon the use of hydroelectric power. The corporate trust which holds the water powers of the United States in its grasp under a favorable grant of Congress, the terms of which the attorneys of this trust themselves in the main have suggested or dictated, will then be in a situation to dominate the principal channels of American industry and commerce. Hasty and ill-considered provisions passed by this House in the closing days of the session, when the country is threatened with the possibilities of plunging into the European war, may lead to undreamed-of consequences affecting our national welfare and that of our sons for generations.

I do not mean to intimate to anyone in either House any suggestion of bad faith, but I do charge that in the zeal of those handling the two measures to pass some kind of bill in this legislative crisis there is involved necessarily an amount of risk which we prudently should avoid. There is danger, moreover, that special interests urging this legislation may put over provisions which look good superficially but which may hang as a millstone upon the public welfare throughout the lives of all Members present.

To a man who is conscientiously anxious to see the passage of a good bill securely protecting the public interest, and, conversely, anxious to prevent the passage of a bill dictated by special interests, or in which they have skillfully planted their legal "woodchucks," there are several aspects of this present demand for hurried action that do not look auspicious.

In the first place, why six months' delay on the part of the conferees until the session is nearly closed if it is so necessary to hastily pass a bill at this time? Why was the report and the motion delayed until a day when well-considered legislation on these vital and complex provisions is almost a physical impossibility? And if the welfare of the country can stand six months' delay, why can it not stand delay until another session can act with the deliberation and thoroughness which the great national interests involved demand?

In the second place, why must this bill be forced upon us in the closing hour of a congested session when every nerve is being strained to get through the administration program before adjournment? Why must it be forced upon us in an hour when diplomatic relations with perhaps the greatest military power on earth have been severed, and no man knows when he retires at night that sunrise may not find his Nation involved in the greatest war of its history?

In the third place, all that has been said as to the nature of the terms of a possible compromise indicates that agreement has been reached, not upon the great essentials of a sound and safe water-power bill for the protection of the American people and succeeding generations but upon comparatively unimportant provisions, like the rental charge, which are concessions to reform only in name. Why do we not hear that agreement has been reached to give the American people an ironclad recapture provision, an effective and thorough regulation of rates, and the reserved power to amend or repeal?

Moreover, every Member familiar with the appearance of the officials, agents, and attorneys of the hydroelectric interests about this Capitol during the past four years in which this general dam bill has been agitated, knows that at the present time there is camped in this city and about Congress all their band of paid workers and lobbyists, like buzzards scenting a carcass. Some of them are from my own State, some from Chicago, some from Niagara, and some from Wall Street; but they are all here busy getting in their work and apparently expectant that now will come the fruition of dreams for which they have hitherto labored in vain for years.

It is not necessary for me to characterize the Senate measure. It has been exposed and denounced, not only in the press of the country but upon the floor of this House again and again by those loyal to the public interest in water-power legislation, as an ultracorporation measure many of whose provisions are traced to hydroelectric special counsel.

It is not necessary for me to emphasize in detail before this House the necessity of the great essentials which should govern a good water-power bill that will conserve and protect future generations. The general outline of these essentials is known to you in the House measure which passed this body originally, but which the Senate conferees have steadily refused to accept.

What I fear is that in the rush of the closing hours hurried compromise may commit this country to hastily studied pro-

visions which look good at a hurried glance, but which in the last analysis may prove the people's undoing. Under attractive and false guise the special counsel of the great Hydroelectric Trust may have for our consideration in the last days of the session, when no Member will have time to digest the bearing thereof, provisions which look pretty on paper, but the acceptance of which may make this Congress the target for just and serious criticism for a half century to come.

Finally, however, if we must have this hurried conference, I trust that every Member will see that no steps are left untaken to put the compromise measure about to be issued to a strict test. We must see to it that the great essentials of the House bill, the bulwarks without which the protection of the people is gone, are amply and securely anchored. The great public interests of the American people must not be jeopardized in an hour of haste.

Mr. ADAMSON. My understanding—

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. HUDDLESTON. Mr. Speaker, I renew my demand for the regular order.

Mr. ADAMSON. Mr. Speaker, I move that the House further insist on the House amendment and grant the conference asked.

Mr. MANN. Mr. Speaker, there ought to be some debate on that.

Mr. ADAMSON. How much does the gentleman want?

Mr. MANN. Well, I do not know that I want any.

Mr. ADAMSON. I will say to the gentleman from Illinois the conferees have no disposition at all to let the Senate take snap judgment on them, and when we get in conference we will hear him and anybody else and we will keep faith with the House; that is all.

Mr. MANN. The conferees will not be entertained by hearing me.

Mr. ADAMSON. We would not have an agreement contrary to the wishes of the House if we get the conference.

Mr. MANN. It is not customary for a conference committee to hear Members of the House, and I hope this conference committee if appointed will have sand enough not to hear individual Senators on the subject.

The SPEAKER. The question is on the motion of the gentleman from Georgia.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. HUDDLESTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays. [After counting.] Three gentlemen have arisen, not a sufficient number.

So the motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. ADAMSON, Mr. SIMS, and Mr. ESCH.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post Office appropriation bill H. R. 19410, to disagree to all the Senate amendments, and agree to the conference asked for by the Senate.

Mr. RANDALL. Mr. Speaker, reserving the right to object, I wish to ask the gentleman—

The SPEAKER. The gentleman from California reserves the right to object. The gentleman from Tennessee [Mr. MOON] asks unanimous consent to take the Post Office appropriation bill from the Speaker's table, to disagree to all Senate amendments, and agree to the conference asked for by the Senate.

Mr. MANN. Mr. Speaker, reserving the right to object, there are four Senate amendments—

Mr. RANDALL. Mr. Speaker, reserving the right to object—

Mr. MANN. There are four Senate amendments—

Mr. RANDALL. Mr. Speaker, I would like to ask the gentleman if it would be agreeable for him to have action upon the Senate amendments, particularly upon Senate amendment 34? I want to move to concur in Senate amendment 34.

Mr. MANN. I think we can very quickly reach an understanding. There are four Senate amendments upon which a separate vote is desired; there may be others. One is No. 15, that is the pneumatic tube; one is 32, that is increase in compensation; one is 33, that is the branch post offices; and the other is 34, which is the advertisement, or Reed, amendment.

Mr. MOON. Mr. Speaker, I do not desire to shut off the House from a vote on any amendment that it desires to express its opinion about previous to conference. Therefore, in-

asmuch as a separate vote is requested on Senate amendments Nos. 15, 32, 33, and 34, I amend my proposition so as to ask unanimous consent to disagree to all the other Senate amendments in the bill.

Mr. TAGUE. Mr. Speaker, I move that the House concur—

Mr. MANN. That question is not up yet.

The SPEAKER. The Chair understands the gentleman from Tennessee [Mr. MOON] to ask unanimous consent to disagree to all the Senate amendments except 15, 32, 33, and 34.

Mr. RAKER. Mr. Speaker, I ask that No. 30 be included in that, as I want to concur in the Senate amendment with an amendment.

Mr. MOON. I will not object to that. If anybody wants a separate vote on anything, he can have it, so far as I am concerned.

The SPEAKER. Which amendment does the gentleman from California refer to?

Mr. RAKER. No. 30.

The SPEAKER. What amendment does the gentleman from Massachusetts [Mr. TAGUE] refer to?

Mr. TAGUE. I refer to No. 15.

Mr. MOON. That motion is out of order now.

Mr. RANDALL. Reserving the right to object to the last request—

Mr. VAN DYKE. Mr. Speaker, I ask for a separate vote on amendments Nos. 18, 19, 20, 21, and 22.

Mr. MOON. That all goes into conference.

The SPEAKER. The gentleman from Minnesota [Mr. VAN DYKE] asks unanimous consent that a separate vote be had on amendments Nos. 18, 19, 20, 21, and 22.

Mr. BENNET. Reserving the right to object—

The SPEAKER. Does the gentleman from Tennessee [Mr. MOON] include those in his request?

Mr. MOON. I do not, and I do not see any reason why that should be done. If the gentleman has any good reason for it, I would like to hear it. I think they all ought to go to conference. If the House wants to take up the bill beginning with these various sections, I do not care.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Did the gentleman from Tennessee [Mr. MOON] except Senate amendment No. 15 from his request?

Mr. MOON. I did.

The SPEAKER. He did.

Mr. BENNET. Reserving the right to object to the request of the gentleman from Tennessee [Mr. MOON], I would like to ask him if he would not withdraw it for the present. I may want to make a preferential motion concerning these separate votes, but I may not. But if the gentleman gets all his amendments to conference it will cut them all off.

Mr. MANN. The gentleman is mistaken. The other amendments do not go to conference until these other ones are acted on.

Mr. BENNET. The gentleman from Tennessee asks to disagree to all the remaining amendments.

Mr. MANN. When amendments are accepted, the request for conference may be out of the request.

Mr. BENNET. The remaining amendments go to conference.

Mr. MANN. Not at all. You need not be alarmed about that.

The SPEAKER. The request is to disagree to all the Senate amendments except 15, 32, 33, 34, and 30.

Mr. CRISP. I reserve the right to object to that. At least, I want amendment No. 19 to be acted on by the House.

Mr. MOON. It can be acted on by the House when the conference report comes back.

Mr. VAN DYKE. I would like a vote on amendment No. 19.

Mr. MANN. I think the gentleman had better exclude that from his request. I do not think it will take the House long to act on that.

Mr. MOON. I will include 19 in my motion.

The SPEAKER. What is the request of the gentleman from Tennessee?

Mr. BENNET. Mr. Speaker, I reserve the right to object.

Mr. MANN. I understand the request now is to take from the Speaker's table the Post Office appropriation bill and to disagree to all the Senate amendments except 15, 19, 30, 32, 33, and 34.

The SPEAKER. That is it.

Mr. MANN. And there it stops.

The SPEAKER. There it stops. Is there objection?

Mr. BENNET. I object.

Mr. MOORE of Pennsylvania. Reserving the right to object—

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from New York has already objected.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry. I desire to know whether the pneumatic-tube amendment, which is No. 15, is now excluded from the request of the gentleman?

The SPEAKER. The whole thing is withheld. The gentleman from New York objected. There is nothing before the House.

CLAIMS AGAINST CHOCTAW AND CHICKASAW INDIANS.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the bill S. 5427 be transferred from the Private Calendar to the Union Calendar.

The SPEAKER. What is the bill about?

Mr. RAYBURN. It is an act referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be transferred from the Private Calendar to the Union Calendar. Is there objection?

Mr. GARDNER. Mr. Speaker, I have not been able to hear the request in the confusion which prevails.

The SPEAKER. It is simply transferring a small bill from one calendar to another.

Mr. MANN. What is the bill?

The SPEAKER. The Clerk will report the bill again.

The bill was again reported.

Mr. MANN. What is desired to do with it?

The SPEAKER. It is on the Private Calendar and the gentleman asks that it be transferred to the Union Calendar. Is there objection?

Mr. MANN. It might as well be buried in one place as another.

The SPEAKER. The Chair hears no objection.

CONTESTED-ELECTION CASE, DONOVAN AGAINST HILL.

Mr. STEPHENS of Mississippi. Mr. Speaker, I desire to submit a privileged resolution (H. Res. 515) from the Committee on Elections No. 1.

The SPEAKER. The gentleman from Mississippi presents a privileged resolution from the Committee on Elections No. 1, which the Clerk will report.

The Clerk read as follows:

Resolved, That Jeremiah Donovan was not elected a Member of the Sixty-fourth Congress from the fourth congressional district of Connecticut and is not entitled to a seat therein.

Resolved, That Ebenezer J. Hill was elected a Member of the Sixty-fourth Congress from the fourth congressional district of Connecticut and is entitled to a seat therein.

The SPEAKER. Is this a unanimous report?

Mr. STEPHENS of Mississippi. It is. The question is on agreeing to the resolution.

The resolution was agreed to.

CHANGE OF CALENDAR—H. R. 6814.

Mr. RANDALL. Mr. Speaker, House bill 6814 is on the Union Calendar by mistake. I ask to have it transferred to the House Calendar.

The SPEAKER. What is it about?

Mr. RANDALL. The exclusion of intoxicating liquors from national parks.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

The SPEAKER. Now, what is the request of the gentleman from California?

Mr. RANDALL. That it be transferred from the Union Calendar to the House Calendar.

The SPEAKER. Ask unanimous consent.

Mr. RANDALL. I think it is on the Union Calendar in error, by mistake.

The SPEAKER. The Chair understands. The gentleman asks unanimous consent to transfer the bill H. R. 6814 from the Union Calendar to the House Calendar. Is there objection?

Mr. TAGUE. Mr. Speaker, reserving the right to object, can we hear the bill read?

Mr. MANN. Oh, we ought not to stop for that.

Mr. RANDALL. I think the transfer should be made in order to correct the proceedings. I do not ask unanimous consent. I ask that the error be corrected.

The SPEAKER. The gentleman from California asks unanimous consent, and the gentleman from Massachusetts [Mr. TAGUE] objects.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. When a public bill is erroneously referred to a committee, I understand that it takes unanimous consent or a motion to correct the reference; but when a bill is favorably reported to the House the Speaker refers it to one of the calendars of the House; and if the reference is erroneous, does it require unanimous consent for the Speaker to correct the error and have the bill referred to the proper calendar? That is the situation that confronts the Speaker in this case.

The SPEAKER. When a bill is called up, the Speaker can decide that he can transfer it from the wrong calendar to the right one.

Mr. CRISP. That is the case.

The SPEAKER. The Chair knows; but the question is now put, and you can not break in the regular proceedings of the House in that sort.

Mr. CRISP. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Under the call of committees a bill on the House Calendar can be called up for consideration, but a bill on the Union Calendar can not be called up. In the case at bar, if the bill is erroneously on the Union Calendar, if the committee had the call, would it be precluded from calling up this bill.

The SPEAKER. That is precisely the case where the Chair held he had the right to transfer it from one calendar to another.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army appropriation bill.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918. The question is on agreeing to that motion.

Mr. MOON. Mr. Speaker, pending that, I think the gentleman from New York [Mr. BENNET], who made the objection, had a misunderstanding as to the Post Office appropriation bill. I renew my request for unanimous consent to disagree to all the Senate amendments except amendments numbered 15, 19, 30, 32, 33, and 34, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take the Post Office appropriation bill from the Speaker's table; disagree to all the Senate amendments except Nos. 15, 19, 30, 32, 33, and 34; and agree to the conference asked for by the Senate. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Tennessee if under that arrangement there will be an opportunity in the House for a vote on the pneumatic-tube amendment?

Mr. MOON. I will state to the gentleman from Pennsylvania that if that agreement is reached I will move to take up this bill and vote to nonconcur in all the Senate amendments except those named, and give the House an opportunity to take what action it pleases.

Mr. CALDWELL. Mr. Speaker, I object to the unanimous consent asked for.

The SPEAKER. The gentleman from New York objects.

Mr. MOON. Does the gentleman from New York object?

Mr. CALDWELL. I will withdraw my objection for a moment, but if you are going to have a discussion all day, I will object.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object—

Mr. BENNET. Reserving the right to object, Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin reserves the right to object.

Mr. STAFFORD. Mr. Speaker, there is an important amendment, namely, No. 33, which has not been mentioned in this agreement.

Mr. MOON. Oh, yes; it has.

Mr. STAFFORD. No. 33?

Mr. MOON. Yes.

Mr. STAFFORD. I refer to No. 23. I am following this rather closely. It relates to the subsidy of \$10 per mile to ocean-going steamships plying between the United States and Great Britain.

Mr. MOON. We will include that.

Mr. STAFFORD. I do not ask to have it excepted; only I would like to have an understanding with the gentleman before it is agreed to in conference, because I question whether it will be agreed to; that the House will have the opportunity to vote on it separately?

Mr. MOON. I have no objection to it. I am not for it myself.

Mr. STAFFORD. I think the House will vote overwhelmingly to disagree to it; but before the bill is sent to conference I want to have an opportunity sometime to vote on it separately.

The SPEAKER. Is there objection?

Mr. STAFFORD. If I have that understanding, I will not press my point.

Mr. HULBERT. Mr. Speaker, reserving the right to object—

The SPEAKER. The gentleman from New York reserves the right to object.

Mr. HULBERT. I should like to inquire of the chairman of the committee what, if any, action has been taken on this agreement with regard to amendment No. 14?

Mr. MOON. I have just proposed to disagree and let it go to conference. That is a matter that can go to conference without being decided by the House in advance. We can not take up all these questions here in the House and decide them.

Mr. HULBERT. I would like to get a separate vote on that amendment.

Mr. MOON. I hope the gentleman will not insist on that. He does not want to kill this bill.

Mr. HULBERT. All right; I withdraw my objection.

The SPEAKER. Is there objection?

Mr. BENNET. Mr. Speaker, reserving the right to object, I have talked with the gentleman from Tennessee [Mr. Moon] and I understand the situation is that he is perfectly willing, as, of course, the rule permits, that there shall be a separate vote on amendment 15 and others, and that if the House concurs in Senate amendment 15 he will not carry his antagonism to that principle—which antagonism, of course, he has a perfect right to, as we have the right to advocate it—he will not carry his antagonism to that amendment so far as to kill the bill himself because the amendment is in it.

Mr. MOON. Mr. Speaker, just one minute. When this House concurs in Senate amendment 15, that is the end of all controversy on that question, and that section becomes a part of the law; and the suggestion from the gentleman from New York that I, disagreeing with the action of the House upon that particular amendment, would seek to kill the balance of this bill is unworthy of him and a reflection upon myself that I would resent—

Mr. BENNET. It may be unworthy of me and it may be a reflection, but I take the gentleman's statement as an indorsement of my position, unworthy though it may be, and I withdraw my objection.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wyoming objects.

Mr. MANN. Mr. Speaker, I hope the gentleman from Wyoming will not do that. I would like to have three minutes to address the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent for three minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, every effort that I make is to give the House the widest latitude in the disposition of matters that come before it. But we are now within less than two weeks of the end of the session. I believe not a single appropriation bill has yet been enrolled. The enrollment of the appropriation bills is just as essential as passing them. They have to be enrolled and presented to the President and signed before a week from next Sunday at 12 o'clock. We are behind in the enrollment of bills. We are behind in the disposition of conference reports on the appropriation bills. It is not within human physical power to enroll all of these bills instantly. Unless we get a move on ourselves in disposing finally of appropriation bills, and commence very soon, when the time comes for the final adjournment of Congress we will be in the attitude of having probably passed bills which are not yet enrolled, thereby causing an extra session of Congress; and I hope we will be able to dispose of these appropriation bills and the conference reports, and that the conferees will act upon the matters in conference and bring them before the House speedily, so that we will have the opportunity to consider the propositions, and then have the bills enrolled, without waiting along until

the last, when there will be neither opportunity to consider nor time to enroll. [Applause.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may proceed for two minutes.

The SPEAKER. The gentleman asks to proceed for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, there may be ground for difference of opinion as to the proper method to be pursued to advance the business of the House and the Congress at this time. My opinion is that we will advance the business of the House if this bill goes to the committee and is disposed of in the regular order under the rules, better than by taking up these matters and attempting to dispose of them now, when we ought to be debating and passing the military bill. I think the way to dispose of this matter speedily is to dispose of it in accordance with the rules of the House and to go on with the discussion of the military bill, which is certainly as important a measure as there is before the House.

This bill has passed both Houses. It can be taken up most any time and disposed of without great delay. On the other hand, the military bill has not passed the House, and still has a long road before it. Let us dispose of that in the House while the committee—in the first instance, at least—disposes of the Post Office bill. Therefore I object.

ARMY APPROPRIATIONS.

Mr. DENT. Mr. Speaker, I renew my motion.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. LANGLEY. Mr. Speaker, pending that, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram from some of my constituents expressing their views on the present international situation.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The telegram is as follows:

PRESTONSBURG, KY., February 19, 1917.

HON. JOHN W. LANGLEY,
Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at stake. We want peace.

EMPLOYEES OF PRESTONSBURG COAL CO.

The motion of Mr. DENT was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, with Mr. SAUNDERS in the chair.

The Clerk read as follows:

Pay of members of Officers' Reserve Corps, \$1,500,000.

Mr. DENT. Mr. Chairman, as I understand, when the committee rose last Saturday the Clerk had finished reading the proviso on pages 9 and 10 of the bill, and the gentleman from Wisconsin [Mr. STAFFORD] had reserved a point of order.

Mr. STAFFORD. That is a correct statement of the parliamentary situation. I had reserved a point of order on the proviso beginning with line 24, page 9. With the consent of the committee, I would like to have the gentleman from Connecticut [Mr. TILSON] explain the purport of the amendment that he inserted in the RECORD under leave of the committee.

Mr. DENT. I have no objection to that. I have great respect for the judgment of the gentleman from Connecticut. But why not dispose of the proviso first?

Mr. STAFFORD. I do not wish to have anything made in order, like an extraneous amendment that would be offered by the gentleman from Connecticut, which might be objectionable under the rule. I have no serious objection to the proviso as incorporated in the bill, but I do not want that made a handle to incorporate an amendment that would be subject to a point of order.

Mr. TILSON. Mr. Chairman, I do not understand that the amendment that was offered by me last Saturday and printed in the RECORD will be made in order by the proviso to which the gentleman from Wisconsin reserves a point of order. The amendment presented by me is subject to a point of order, because it is clearly legislation. It is legislation, however, of such a wise character that it should go unchallenged.

The question of promotion in the Army, as you all know, is a very perplexing and vexing question. Originally promotions in our Army were regimental. There was a certain advantage in

regimental promotion. It kept the officers a longer time in the same regiment. There came to be more cooperation between officers who worked together for a long time in the same service. The officers of a regiment became something like a family, and worked together accordingly.

The trouble was that regimental promotion soon developed great inequalities. Two men becoming second lieutenants at the same time, one going to one regiment and another to another, would very soon find themselves of quite unequal rank. In one regiment promotion by reason of casualties, resignations, or something else was very rapid. In another regiment few died and none resigned, and promotions were few and far between. The result was great dissatisfaction in the Army.

Then came the proposition to have a lineal list in the different arms, so that when there was a vacancy in one regiment the next in line in that regiment would not take it, but an officer from another regiment, if at the top of the list, would be assigned to the vacancy. That had its disadvantages in bringing together men not accustomed to working together, but it did something toward preventing inequalities in promotion. However, it soon developed that inequalities which formerly prevailed when promotion was regimental began to appear between the different arms of the service, so that an officer who went into the Cavalry would find himself a first lieutenant when his more fortunate classmate would find himself a major of Field or Coast Artillery.

That is the situation we have to-day. One of the results is that each arm of the service is unduly desirous of increase in that particular arm. Army officers are human, like the rest of us. Their only chance of advancement is by promotion in the service. Every increase in that particular arm of the service means promotion for the officers of that arm. It is natural that officers should regard their particular arm of the service as most important, and would therefore favor an increase of it. Their ardor for an increase would not be lessened by the fact that it would also give them promotion. The result is we have the officers of the different arms of the service pulling this way and that, each trying to increase his own arm of the service in order that there may be promotions. Under such conditions it is no wonder that the advice of capable Army officers on the subject of relative increases in the several arms is often subject to the suspicion that it is not entirely disinterested.

Mr. KAHN. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. KAHN. Assuming that the gentleman's amendment is adopted, with the condition that has arisen this year, with about a thousand second lieutenants appointed, if his provision were now the law, in 27 years from now that entire thousand of second lieutenants, or all those left in the service, would become colonels.

Mr. TILSON. At the end of 27 years, in the normal course of events, there would be a few more colonels than there probably would be by the present method, though it would probably even itself up to some extent by deaths, resignations, and retirements. There is under our present method what we call "humps," and the difficulty would be no greater than it is at present, unless we assume that the Army is going to stand still; that is, not going to be enlarged any further. If there is to be further development, further increases as the needs of the country grow, then what the gentleman says would not be true to any harmful extent.

Mr. KAHN. Of course, I am in harmony with the gentleman that something ought to be done to equalize promotions, but I doubt if his amendment would be effective.

Mr. TILSON. I am quite sure it would be effective. My plan, in a word, is to take the average time required to reach the several grades of promotion and fix this as the time in which each officer shall reach these grades. At present we have second lieutenants receiving promotion within the first year of commissioned service and captaincies within two or three years, while other officers equally efficient, but less fortunate in their choice of service, wait 20 years or more for the much coveted two bars. Under this amendment all are treated alike. No waiting for dead men's shoes, resignations, or retirement. Upon passing the required examination each officer becomes a first lieutenant in 4 years, a captain in 10 years, and a major in 19 years, and so on. The time in each case is, of course, arbitrary, but corresponds roughly to the average time now required to reach the several grades. No change is proposed in the examination required for promotion. They must pass an examination the same as they do now.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

Mr. McKELLAR. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. McKELLAR. I am inclined to think that there is something in the gentleman's contention about promotion. It is very difficult, as the gentleman realizes, but would it not be better to have this go over until the next session of Congress, when we will have more time and can go into it and settle it right?

Mr. TILSON. It will probably have to go over, because it is subject to a point of order, but I wish to refer to it now so that when the gentleman from Tennessee reaches his higher estate at the other end of the Capitol he may assist in having it considered and be ready to act upon it.

Mr. FIELDS. The gentleman means when he enters on his longer tenure.

Mr. TILSON. We have adopted the same principle in regard to the Medical Corps, and it has worked out well. When we adopt universal military training it will be the only workable plan. Instead of having each officer tied up to a particular organization, officers will be available for use throughout the Army and all over the country for training others, which will be the real occupation of the Army when that time comes.

Mr. DENT. Mr. Chairman, do I understand that the gentleman offers that amendment at this time?

Mr. TILSON. I offer at this point the amendment as printed in the Record.

Mr. DENT. Mr. Chairman, I make the point of order that it is new legislation.

Mr. TILSON. Mr. Chairman, it is clearly legislation.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. KAHN. Mr. Chairman, before the Clerk reads, on page 10, line 7, the first word "by" should be "in," and I move to strike out the word "by" where it occurs the first time in the line and insert in lieu thereof the word "in."

Mr. DENT. Mr. Chairman, I accept that amendment.

The CHAIRMAN. Without objection, that will be done.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read at line 24, page 10.

Mr. CALDWELL (interrupting the reading). Mr. Chairman, by unanimous consent on Saturday the proviso beginning on line 24, page 9, and ending on line 23, page 10, was read in connection with line 22, page 9, and lines 23 and 24, up to the word "Provided," page 9, were omitted, to be read after the proviso.

Mr. DENT. Mr. Chairman, that is correct.

Mr. CALDWELL. The gentleman from Alabama [Mr. DENT] asked unanimous consent that the Clerk should read line 22, and then skip lines 23 and 24, down to the word "Provided," and read the proviso in connection with line 22, which was done; and it was the understanding that the reading should be resumed with line 23, page 9.

Mr. DENT. That is correct, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Additional pay to officers for length of service, \$2,000,000.

Mr. TILSON. Mr. Chairman, is it understood that the proviso to which the gentleman from Wisconsin [Mr. STAFFORD] made the point of order and later withdrew is the proviso to be attached to line 22?

Mr. KAHN. That is correct.

Mr. DENT. That is correct.

Mr. TILSON. On page 9, "For pay of officers of the line, \$11,500,000."

Mr. CALDWELL. That is correct.

Mr. DENT. Yes; unanimous consent was given for that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pay of members of Officers' Reserve Corps, \$1,500,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I do not want to take up the time of the House except to say that I desire to call attention to the fact that the proposition read into the Record on February 16 at my request, for universal military training, is a proposition that will go out on a point of order if any Member of this House makes the point of order, and that if the matter is to be discussed by any Member of the House he will have to take advantage of the five-minute rule before the proposition is reached on page 75. I also desire to call the attention of Members to two photographs which I have in my hand of two Regular Army soldiers, one taken when they enlisted in the Regular Army and the other of the same men four months thereafter, showing the effect of military training in the service, and I shall ask a page to hand them around.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pay of officers, National Guard, including staff corps, \$2,500,000: *Provided*, That out of this appropriation the Secretary of War be, and he is hereby, authorized to pay assistant inspectors of small-arms practice of the Organized Militia and National Guard whose services were accepted in the mobilization of said troops under the call of the President, June 18, 1916, the pay and allowances of the grade in which they were accepted and served.

Mr. SLAYDEN and Mr. BORLAND and Mr. DENT rose.

Mr. DENT. Mr. Chairman, I have an amendment which I desire to offer.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the proviso.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order and the gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 11, line 2, by striking out the proviso and inserting in lieu thereof the following:

"That so much of this appropriation as may be necessary for the purpose shall be available to pay inspectors and assistant inspectors of small-arms practice of the Organized Militia and National Guard who responded to the call of the President of June 18, 1916, the pay and allowances appropriate to their grade from the dates they would have been entitled to pay had their services been authorized to the dates on which they were mustered out or their services were otherwise terminated; and the proper accounting officers of the Treasury be and they are hereby directed to allow credit for any such payments which have heretofore been made to such officers from the appropriation from which made."

Mr. STAFFORD. Mr. Chairman, I reserved the point of order, and I assume that this amendment is being offered merely for information.

Mr. DENT. I offer that as a substitute.

Mr. STAFFORD. But prior to the gentleman offering it I reserved a point of order on the proviso, waiting to hear the amendment of the gentleman read. The amendment would not be in order until the point of order is disposed of. I would like to inquire the purpose of this proviso to include inspectors as well as assistant inspectors of small-arms practice.

Mr. DENT. Mr. Chairman, the gentleman is perhaps familiar with the fact that these officers existed under the old Dick bill, inspectors and assistant inspectors, prior to the act of June 3, 1916, in which law these positions were abolished. When the National Guard and the Organized Militia were called into the service on June 18, 1916, only a short time after the act of June 3 had become a law, these organizations were not familiar with the fact that these particular positions had been abolished, and they took these officers along with them to the mobilization camps and some actually paid them under the old law, being ignorant of the fact that it had been abolished. It is simply to take care of that situation.

Mr. CRAGO. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. CRAGO. I would like to add this further statement to the explanation that the chairman has made, namely, that the mustering officers directed these men to be mustered in in this rank, and personally I called up the Bureau of Militia Affairs, and they directed me to tell one of these officers that he should be mustered in, so that the error was on the part of the War Department and not the National Guard officers themselves.

Mr. STAFFORD. As I understand the amendment, it only applies to inspectors and assistant inspectors of small arms practically who were actually enrolled for border service?

Mr. DENT. That is true.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation.

Mr. DENT. And I offer the substitute for the proviso.

The CHAIRMAN. The gentleman from Alabama offers a substitute for the paragraph, and the gentleman from Texas [Mr. SLAYDEN] moves to strike out the last word.

Mr. SLAYDEN. Mr. Chairman, I believe every person who appreciates manly and virile qualities in men must have heard with keen distress this morning of the death of the distinguished commanding officer of the Southern Department, Gen. Funston. He died suddenly last night in the city of San Antonio while engaged in entertaining a little child. It shows the truth of the observation of the poet that "the bravest are the tenderest, the loving are the daring," and I have no doubt that Gen. Funston, if he had to go suddenly, would have been glad to be called from the scene of earthly activities under such circumstances.

The people of the frontier will be exceedingly distressed and no little disturbed by the fact that this distinguished officer had to end his earthly and military career so unexpectedly and so prematurely. The frontier had confidence in Funston. It felt secure while he was on guard. He was a great soldier, a splendid officer, but had not had the privilege of the usual training of that class. His high endeavor on all occasions and his

brilliant successes are certainly an inspiration to men in humbler ranks and to enlisted men who may not have concealed in their knapsacks the baton of a marshal, but who may pull out the commission of a major general. So did Young, Chaffee, and Schwan, and other of our distinguished officers, who began their career in the humblest way. Funston made his reputation and earned his first star as a volunteer with State troops, and in these times when the State troops are so disparaged, when they are spoken of with such contempt by critics, some of whom, in my judgment, are not qualified to pass on them, it is well to remember that Gen. Funston did his first important work and won his first great recognition as a soldier with troops from the State of Kansas.

The State troops have been harshly and unjustly criticized since the movement to the Mexican border began, a little more than a year ago. They have been denounced as incompetent, they have been held up to ridicule and said to be an unstable reliance for the defense of the country. But against that criticism, Mr. Chairman, I appeal to all the history of our country. They do not fail us. They may be defeated occasionally, but what Regulars are not? The old guard had to die if it were not forced to surrender at Waterloo, and it is true the most skillful veterans must sometimes yield. [Applause.] The Texas troops, in which I am personally and more directly interested, were criticized in the very beginning harshly and untruthfully, but I want to call attention to the fact, Mr. Chairman, that they were among the first who arrived on the border; that they have served uncomplainingly; and that they are still there, guarding the people of this country against the invasion of bandits from the other side. I regret to say, sir, that these invasions have been renewed in a minor way, of course, and since the withdrawal of the army of Gen. Pershing from Mexico and since the dispersion of the army of State troops, there have been sporadic incursions from Mexico, and American citizens have been killed on their own properties in New Mexico and in Arizona. I do not say that that would have not occurred if the State troops had been kept there. I only call attention to the fact that it did occur after their withdrawal, and I hope that those gentlemen who criticize the volunteers and State troops as an unstable and unfit reliance in time of trouble will remember this—

Mr. MEEKER. Will the gentleman yield?

Mr. SLAYDEN. I have only a few minutes.

Mr. MEEKER. How recently has that killing occurred?

Mr. SLAYDEN. I will say to the gentleman that I have here an extract from a paper dated February 15, telling of an incident that happened two days before, in which three Americans were murdered in our own country on their own property while going about their peaceful business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas. [After a pause.] The Chair hears none.

Mr. KAHN. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. KAHN. The gentleman has spoken of the reliance to be placed in the State troops. Has the gentleman seen the article signed "Militiaman" in the Army and Navy Register of February 3, 1917?

Mr. SLAYDEN. Yes; I had my attention called to it, I will say to the gentleman from California.

Mr. KAHN. I ask unanimous consent that it be inserted in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent that the article indicated be inserted in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Now, Mr. Chairman, just a word. The most unfortunate incident in this whole Mexican border movement and one which, to put it mildly, reflects least credit upon the United States Army, is referred to in the communication to the Army and Navy Register, which the gentleman from California has just secured consent to print in the RECORD. The facts are, as anyone will see who reads that document, that the Regulars were surprised at Columbus. The town was invaded, citizens and soldiers were killed, the town burned, and the humiliation came to the Army of the United States of having a large number of its horses stolen and carried off by a lot of ill-armed, ill-kept, undisciplined, untrained bandits from Mexico. I am glad the gentleman inserted that article in the RECORD.

The CHAIRMAN. The time of the gentleman has again expired.

The matter referred to by Mr. KAHN is as follows:

A MILITIAMAN'S QUESTIONS.

TO THE EDITOR.

SIR: We of the Organized Militia, who have been instructed in our military duties by officers of the Regular Army and have studied the rules and regulations prescribed for that Army, have been impressed with the supreme importance of "the service of security"; that is, of protecting a command, wherever it may be, against the invasion of marauders of any kind, and especially against a surprise attack by an armed and hostile force. We were astounded and shocked, therefore, to gather from newspaper accounts some time ago that this important service was so performed, or neglected, by a force of Regular troops stationed at Columbus, N. Mex., presumably for the protection of that town and its neighborhood against a possible and even probable raid by Mexican bandits, that Villa and his small band could surprise both camp and town by a night attack and, after much burning, looting, and killing, could escape with but little punishment, taking with them as trophies a goodly number of horses that belonged to the troops that were supposed to be protecting the town.

How could such a surprise have been effected if patrols and sentinels had been employed as they should have been in view of the fact, known to everyone, that our troops were sent to the border because of the dangerous conditions prevailing to the south of it?

But our astonishment that Regular troops of the United States should have permitted themselves to be surprised in this way while guarding a notoriously hostile border became amazement when we learned, as we did learn from public accounts, that a "special inspector" had investigated the affair and that, as a result of his investigation, he and his superiors not only exonerated the officers and men of the troops at Columbus from all blame but commended them most highly for their good conduct in the affair.

If National Guard troops had been so unfortunate or negligent in the discharge of their duties anywhere as were the Regular Army troops at Columbus is it likely that any special inspector could be found with hardihood enough to commend those troops for what they did or failed to do? On the contrary, is it not certain that those troops would have been condemned mercilessly as undisciplined and worthless militiamen?

Upon the face of the public accounts of the Villa raid and of "the investigation" that related to it, that investigation appears to have been a colossal attempt at whitewashing somebody. Why should such an attempt be made? Was it desirable to cover up the foolish, not to say imbecile, action with regard to this affair by some person or persons much higher up than any officer of the command that Villa surprised and raided at Columbus?

Is it a fact that two days or more before Villa made his attack the State Department received definite information as to his movements and probable intention?

Is it a fact that two days or more before that attack the State Department delivered to the War Department copies of telegrams containing this information?

Is it a fact that the person in the War Department into whose hands these telegrams unfortunately fell failed to send them to the proper bureau, where they would have been immediately telegraphed to the commanding officer at Columbus, but that, on the contrary, he sent them to the War College, where they remained unacted upon and unheard of until long after Villa had made his attack and escaped?

At any rate, an investigation that will investigate the Washington as well as the Texas end of this affair seems to be called for.

MILITIAMAN.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. SLAYDEN. My time has expired.

Mr. FESS. Mr. Chairman, I would like to have the attention of the committee.

Mr. DENT. Will the gentleman yield for a moment? I would like the debate on this paragraph to be closed in some reasonable time. If gentlemen desire to speak on this subject for a few minutes, I have no objection.

Mr. Chairman, I ask unanimous consent that the debate on the paragraph and all amendments thereto be concluded in 20 minutes, five minutes of the time to be consumed by the gentleman from Kansas [Mr. CAMPBELL], five minutes by the gentleman from Missouri [Mr. BORLAND], five minutes by the gentleman from California [Mr. KAHN], and five minutes by the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and all amendments thereto terminate at the expiration of 20 minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent for a slight extension of my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, the little town of New Carlisle, Ohio, is 15 miles from where I live and located in the seventh district, which I have the honor to represent. To-day its people are thinking of its most distinguished son, whose achievement has given the little town great recognition. It is the birthplace of Gen. Funston, and the people in that little quiet village personally take a great deal of pride in the career of this soldier. I think that he is one of the most brilliant representatives of the possibilities of American life. His early beginnings were not unlike those that have marked so many of the distinguished men of the Nation. Of very little promise, as is the case with so many of America's great, he took the wise course that many another boy has taken and decided to enter college, which he did in the State of Kansas, and made not only a career as a

college boy in his classroom but also rather a distinguished career as one of the fellows in the various activities of the college. His later life displayed that striking paradox; that is, of the quiet sort in his demeanor and yet most of his life was spent in the storm.

My first interest in Funston was not in "Gen." Funston. It was in the stories told about him, as a very wide-awake student in a college and, secondly, as a conductor on a railroad train in the Southwest, but more especially the work that he attempted to do as a research man and investigator. However, my chief attraction was to the biologist, who had undertaken a special work in botany, and who for that purpose had become identified with one of the Government departments. This expert research work was carried on in the Klondike region, also in Death Valley, and later he extended his explorations to the Bering Sea. One of his most romantic expeditions was that which took him down one of the country's lonely and unfrequented rivers with a canoe, hundreds of miles, without seeing scarcely a single individual except his companions. After giving some distinguished evidence of what the research man could do, that pioneer element so prominent in him, that strenuous quality so characteristic of American manhood, displayed and exerted itself. Those elements which had been so prominent in his college days took possession of him, which carried him from the work of the research man to that of the heroic realm. He planned to go to Cuba, where he became a figure in many battles, and where he was once captured. Then, after having distinguished himself in that struggle for the disenchantment of a subject people, and after our country had extended her influence over the islands of the southern seas, you very well recall his remarkable career in the Philippines, where, by his capture of the insurrectionist leader, he ended that unhappy rebellion. After this service he did unusual work at San Francisco at the time of the earthquake, where the highest tributes of praise from those whom he served are still remembered, and finally his work down here on the border and at Vera Cruz.

As I suggested, his was a quiet, modest life of a very frail-looking gentleman, not over 120 pounds in weight, as quiet in his demeanor as was Gen. Grant, as quiet in his attitude as the peerless Gen. Lee; and yet back of that quiet exterior there raged the storm center that thrust him in the midst of the fight for the right as he understood it, and which caused him to become interested in the freedom of Cuba, the rehabilitation of the Philippines, the rebuilding of San Francisco, and the conserving of the honor of the American troops on the border.

I rise as a Representative of the district that contains the little town in which he was born, simply to pay to him this quiet tribute. [Applause.]

Mr. BORLAND. Mr. Chairman and gentlemen, last night there passed away one of the splendid figures of American military life. Maj. Gen. Frederick Funston was so well known in Kansas City, having spent a portion of his early years there in newspaper work, that he was almost like a Kansas City boy, although his residence was in the neighboring State of Kansas, which State his father represented in this House. His whole career is one of those romantic chapters that we sometimes think is impossible in this rather gray and neutral age of human life.

The young soldier was born in Newcastle, Ohio, but was brought by his parents to Kansas when an infant and spent his boyhood on the prairies of the Sunflower State. He attended the University of Kansas, and during his summer vacations earned his expenses and gratified his love for adventure by acting as mountain guide in Colorado. He was a stocky little fellow, barely 5 feet 2 inches tall, with a round bullet head and a quiet, reserved demeanor. But somewhere hidden under that stoic exterior was the fire of restless adventure. For a quiet man whose words were few and never boisterous, he seems to have found the storm centers with unerring accuracy. When Funston left college his first job was as a passenger conductor on the Santa Fe Railroad, which then ran through the old West of the cowboy and the cattle king. The bad man had not yet disappeared from the fringe of civilization, and one of the first tales told of Fred is that he put a drunken cowboy off his train and then chased him 2 miles across an Arizona desert.

Restlessness carried him from that job to Kansas City, where he tried his hand at newspaper reporting for the Kansas City Star. His methods seem to have been too strenuous even for advanced journalism in that advanced community, nor did they make a success in Fort Smith, Ark. A scientific study of botany, which had attracted his attention, led him to secure a position as field agent for the Department of Agriculture in an expedition to Death Valley, Cal. Here adventure as usual met the quiet man on every turn. Death Valley at that time meant

only danger, privation, and toll to those who braved its terrors. Soon afterwards he went with another Government expedition to the Yukon, and was one of the first white men to cross the Chilcoot Pass.

During his experience in the frozen North he floated alone in a canoe 1,100 miles down the Yukon. This was just before the gold excitement in the Klondike, and the young Kansan soon joined the army of gold seekers. While excitement and adventure gravitated naturally toward him, money gravitated directly away from him, for not a single business venture of his was crowned with even moderate success.

From Alaska he went to Mexico and to South America, traveling extensively and having many thrilling experiences. He tried coffee planting, but without success. The Indian and the natural military man seem to have no commercial ability. This portion of Funston's life when he was finding his true career and trying to fit a round peg into a square hole reminds us of the first 40 years of the life of Gen. Grant, whose experience in earning a livelihood was quite similar. For Funston fate was continually turning the great kaleidoscope of events, until it fell into the proper combination. Somewhere, somehow, forces were gathering in which the restless energy of his indomitable spirit and his wonderful coolness in danger would count in the scale when the fate of nations was in the balance.

We may easily say that opportunity makes the man, but the truth is that man more often fits himself for the opportunity. Doubtless in the prodigality of God's providence genius of some sort is poured out with a lavish hand, and men are always to be found fitted by nature and training for every crisis. Who the individual is may depend upon who has the courage and the spirit to seize the opportunities. There is no predestined nor prophesied place where prophets may be born. Good can come out of Nazareth and military leaders from a Kansas farm. I have never agreed with the poet Gray that environment always clips the wings of genius, although he says:

Beneath these stones there might have laid
Hearts once pregnant with celestial fire;
Hands that the rod of empire might have swayed
Or waked to ecstasy the living lyre.

Some village Hampton, who with dauntless breast
The little tyrant of his fields withstood;
Some mute, inglorious Milton here may rest,
Some Cromwell, guiltless of his country's blood.

But knowledge to their eyes her ample page,
Rich with the spoils of time, did ne'er unroll;
Chill penury repressed their noble rage
And froze the genial currents of the soul.

During Funston's wanderings in South America the fires of the last revolution in Cuba were being lighted. As the magnet draws the steel, this coming storm drew the Kansas conquistador. He hastened to New York and employed the long, patient weeks in the back streets of the East Side drilling a group of Cuban plotters in the use of the American machine gun. With a commission as chief of artillery in the patriot army of Cuba he sailed from New York. When the great searchlight of American public opinion was turned upon the struggle in the Pearl of the Antilles there stood out in that white light the figure of the young Kansan as a colonel in the patriot army. He had disappeared for a few years from the sight of his neighbors and friends in Kansas and suddenly reappeared in this dramatic way.

Wounded and on sick leave, he started to return to the States, but was captured by the Spanish troops, and to save his life ate and swallowed the important papers which he carried that would have identified him with the cause of the insurrection. One reason of his withdrawal from the Cuban Army was the proposal of its commander to execute a number of Spanish prisoners over Funston's protest.

By that time our whole Nation was aroused by the Cuban outrages, and the Spanish-American War was just beginning. Funston was elected colonel of the Twentieth Kansas, a Volunteer regiment of Kansas boys. We thought at that time that the western troops would have no opportunity to reach the real theater of war, as the number of volunteers in the East far exceeded the demand, and it was supposed the fighting would all be done in the West Indies. But suddenly the call came for troops for the Philippines. The Twentieth Kansas in the West was not to do the tedious police duty which it anticipated, but was to play a striking and gallant part in the Philippine insurrection, which was the most prolonged and hazardous portion of the entire war.

We are all familiar with the record of this regiment in the hot fight in North Luzon. When they were chasing the insurgent troops, it became necessary at one time to strike a quick blow by crossing the river and scaling the opposite bank in the face of the enemy. We remember the story of Funston calling for volunteers

to swim the river. We can see now the picture of those 80 Kansas lads upon the banks of the Tropic stream in the far-off Orient, preparing to carry a Kansas cyclone into the 600 Philippine insurgents on the opposite bank. There are so many exciting adventures that are a part of our familiar school history! We remember also the romantic enterprise of Funston in capturing Aguinaldo. How he went with a small group of Macabebe scouts, disguised as Filipino insurgents, down into the jungles and villages and mountain passes into which no white man had ever penetrated, until he located his man, captured the chief of the insurgents, and brought him safely out, thereby taking the very heart out of the revolt. And here we may pause to remark that under any previous rule to which the Filipinos had been accustomed Aguinaldo would have been promptly shot. The result would have been the continuance of bitterness and hostility, and the insurrection would still probably be in progress. But Funston not only safely brought Aguinaldo to the American authorities, but the native leader was afterwards set at liberty unharmed, and for 15 years the Philippines have been in peace for the first time in 300 years of their history.

Funston was created brigadier general of the Regular Army for his gallant service in the Philippines. He was not only one of the youngest men to hold that rank but the smallest man physically.

His services did not end with the return of peace. When the terrible visitation came to San Francisco, he was in command at the Presidio. He promptly declared martial law over that raging chaos of man and nature and enforced it with a firm hand. Life and property were soon safe. Shelter was provided for the homeless; food and hospital supplies were distributed; the sufferers were gathered into camps and the work of relief systematized by districts and divisions; and soon the generous impulses of the Nation were in touch, over the wire of military efficiency, with the actual needs at the scene of disaster. The San Franciscans are the sincerest mourners at Funston's bier. He occupies a warm place in their hearts for his quickness of decision and his broad impulses and sympathy. What San Francisco needed in that hour was not only the heart to feel but the brain to decide and the hand to execute.

When the troops were to go into Mexico to deal with Huerta, Gen. Leonard Wood, Chief of Staff of the Army, selected Gen. Funston as the proper man to lead the Vera Cruz expedition. That port fell first into the hands of the naval authorities, but was turned over to the control of the Army under Funston. It was a peculiarly difficult task which Funston had to perform at that crisis, especially to a man of his blood. The tiny American Army was on hostile soil. Hot-headed ambition would have counseled some rash enterprise of invasion and of conquest. Every impulse led the Americans to advance, but humanity and wisdom compelled them to stand their ground. The hardest thing to do under the circumstances was to repel with firmness the dangers which surrounded our troops and restrain with equal firmness their pardonable impatience. Funston did both. No Army under such circumstances in the history of the world ever withdrew with less bitterness and less bloodshed.

Funston was on his way to be made a major general, but on six successive occasions he was passed over and other officers chosen. Only a short time ago his long-expected promotion came at the hand of President Wilson.

When events required that our soldiers be ordered to the Mexican border, the War Department again decided that Funston was the man to be placed in command. As he was then a major general, his duties were at the headquarters in San Antonio rather than on the firing line at the front. While we have no way of telling at this time, there are many in this administration who believe that if he had been given a free hand to go into Mexico and get Villa he would have gotten him as promptly and as easily as he got Aguinaldo in the Philippines. [Applause.] Be that as it may, the career of the American Army on the Mexican border shows that some giant hand was at work in organization and discipline. Never before, in the history of our country at least, has there been an army so well handled from a physical and moral standpoint. There were no fever camps, no hospital scandals, and little of the discouragements and breakdowns which distinguished the Spanish-American War. The militia regiments that went forward from the various States were practically raw recruits, unused to camp life. They returned to their homes finished soldiers. The pale-cheeked bank clerks that marched out came back bronzed veterans as hard as nails. There was less sickness and fewer deaths from disease than have ever been known in such a gathering of men. It was this work that broke Funston down—harder work, doubtless, to him than the dangers and privations of the field. He died at the early age of 51 in what should have been the very prime and vigor of his manhood, and yet he died

when his life history had been fully written. Few men have been able to crowd into a short lifetime so many and so varied experiences as Funston. It seems to have been his part to show that the spirit of high enterprise and daring is not dead in the American heart. The deeds of his career will be known wherever courage stirs the human heart and manhood has a friend. Out of this gray old world, with its neutral tones of sordid business and its leaden background of the commonplace, there springs the flash of fire that lights up the whole landscape of human events.

Some men can not be forced into the shopkeeper's mold nor grind like tired horses at the treadmill of business. Some men leap to the front in moments of danger with the same energy and instinct with which the eagle soars toward the sun. And as the great bird of freedom leaves the barnyard fowls far below, so the indomitable spirit of genius shakes off the trammels of environment. Evidently, Funston was not born to be a railroad conductor, a newspaper reporter, nor a coffee planter. His career was of his own making. No carpet knight was he with the gold straps pressed upon his shoulders by loving hands or the political influence of friends. He won his spurs in the tented field. The striking thing about the life of this Kansas boy is not that he possessed greater opportunities than other boys but that he was ready for the opportunity when it came. I desire here to pay a tribute of respect to his memory. His record and his fame are safe. [Applause.]

Mr. CAMPBELL. Mr. Chairman, in the death of Fred. Funston this Nation has lost one of its great men and great soldiers.

Funston, as he will be pictured in history, feared nothing. He was adventuresome. He undertook the unusual. His trip to Alaska was that of a pioneer. He spent 18 months with the Indians and Eskimos in that unexplored country studying the flora and fauna of that great Territory. His report would do credit to a scientist in those branches of science.

Immediately he went from that frozen region to the Death Valley in California to make researches and discoveries there. His soul was not satisfied. Hearing of the insurrection in Cuba, he at once went to that island. Without knowledge of the language, without knowledge of the topography of the country, he went there with the determination to fight for the freedom of Cuba; and without any experience whatever as a soldier or any previous military training, he soon rose to the rank of a colonel in the Cuban Army, was severely wounded, had fever, and was thrown to one side to die.

He turned up in a hospital at New York, went through a series of repairs, and again undertook the unusual. At the outbreak of the Spanish-American War he was appointed as a colonel of the Twentieth Kansas. They were volunteers. They were boys of the State; many of them were his schoolfellows; many of them had attended the State university with him. They were appointed lieutenants and captains and majors in that great regiment, a regiment that made a record that will be a credit to American soldiers as long as history records the achievements of soldiers of the Republic. [Applause.] None of them had any previous experience in military life. They were volunteers. Fred. Funston's only service in the Army before that had been his service in Cuba; and yet his record in the Philippines will compare favorably with the record of any soldier who served his country there.

His capture of Aguinaldo has been referred to as one of the achievements of our Army in the Philippines. That capture really took the heart and life out of the Philippine insurrection.

Fred. Funston's services in San Francisco in restoring order, bringing out of the chaos of that catastrophe order and discipline and aid to the citizens of that stricken community, in ministering to the necessities of life, showed that he was a man of more than military ability. His services to those people in Vera Cruz were similar to the services rendered by other distinguished soldiers in some of our tropical countries, in Habana and Santiago. He cleaned up Vera Cruz and made it a habitable city, and the citizens there mourned when Funston retired from that city. They regretted the departure of those who had made their city a habitable place in which to live.

Funston was not afraid to do a soldier's duty. He had a genius for accomplishing things, and, as stated by the gentleman from Missouri [Mr. BORLAND], if he had been permitted to go into Mexico with a free hand, there would now be nothing said about the insurrecto Villa, who has given this country and that country so much trouble. [Applause.] He would have disposed of the bandit Villa long ago. [Applause.]

The Army and the country have suffered a great loss in his death, and I am sure that the tribute that this House pays to him is a worthy one. We all join in sympathy with those he

left behind—his wife, his children, his mother, his brothers, and his sisters. [Applause.]

Mr. KAHN. Mr. Chairman, I desire also to pay a brief tribute to Gen. Funston. He was acting as commandant of the Army in San Francisco at the time of the earthquake and fire, which occurred there April 18, 1906. He had his quarters in the hotel and apartment-house district of San Francisco, living on the side of the eminence known as Nob Hill. When the earthquake occurred he immediately jumped into his clothes, rushed into the street, and saw fire breaking out in half a dozen different places in the city. He immediately dispatched a courier to the mayor of the city, informing him that he felt sure there would be a great conflagration in the business and financial sections; that he would at once patrol those sections of San Francisco with troops of the Regular Army of the United States. He also sent a courier to the Presidio of San Francisco and gave instructions to send the troops in double-quick time into the stricken city. By 8 o'clock that morning every street in the financial section of the city was patrolled by the Regular Army soldiers, who effectively prevented looting or destruction of property. They also saved many lives.

It was only a man of Funston's character and initiative who could have realized so readily the dangers that confronted the city, and he was quick to act in the emergency. His readiness on that occasion prevented the destruction of many thousands of dollars' worth of property and the looting of the business houses of the city. San Francisco will never forget Funston's services during that trying period.

Mr. Chairman, within the last six or seven months I have received letters from some of his brother officers, telling me of the splendid work that he performed in Mexico and on the border. They suggested that Congress ought in some fitting way to recognize his splendid ability. In some way or other Gen. Funston heard of this movement. He immediately wrote to me, asking me to take no steps in the matter whatever; that what he had done was his plain, simple duty as a soldier. [Applause.] Recently when I saw him in San Antonio he again referred to the matter. He said when he was appointed a brigadier general in the Regular Army by President McKinley there was some dissatisfaction expressed at his appointment; that since then he felt satisfied that his brother officers had become reconciled to that appointment; that he thought he had won their regard and esteem and wanted nothing done by Congress or anybody else that would subject him to any criticism of any kind, and that, if he were to be given special recognition, he thought other officers ought to be treated in the same way. [Applause.]

He was magnanimous, brave, and a splendid officer. Personally, I shall always hold a very warm spot in my heart for Gen. Funston. When San Francisco was burning there was a four days' old baby in my home in that city. Gen. Funston heard of that, and immediately sent one of his subordinates to my house and left a message that if there were any occasion to bring my wife and baby to a place of safety all the facilities he had at his command were at the disposal of my household. [Applause.] I can never forget that fact. To his own wife and children, as well as his mother, who were very dear to him, I know that every Member of this House extends heartfelt sympathy. They have suffered a great loss, and this country of ours has likewise suffered a great loss in the death of Gen. Funston. [Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment in the nature of a substitute offered by the gentleman from Alabama to the proviso.

The amendment was agreed to.

The Clerk read as follows:

ENLISTED MEN OF THE LINE.

For pay of enlisted men of all grades, including recruits, \$27,000,000.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 11, line 12, strike out "\$27,000,000" and insert "\$40,000,000."

Mr. GARDNER. Mr. Chairman, that amendment is introduced in order to provide money sufficient to pay the enlisted men in the Army if subsequently we adopt, either in this body or in the other, a new provision of law and a new scale of pay for enlisted men.

There has been a good deal of discussion in this House as to the exact shortage of enlisted men in the Army. After a good deal of correspondence and two sets of letters signed by the gentleman from Iowa [Mr. HULL] and myself, we finally framed an issue and presented the question to Gen. McCain. His answer is that as nearly as he can estimate it we were short 20,600

enlisted men of all kinds on February 15—five days ago. But he says it is not fair to include in this shortage the total number of vacancies in the unassigned recruits. That may or may not be the case. It is a complicated question, but doubtless there is ground for such a view. However, if the general's opinion is sound, we ought not to go about telling the people that we have authorized one hundred and thirty-three thousand and odd enlisted men of the line for the current year, if it is not proposed to fill up the ranks of the unassigned recruits.

But, Mr. Chairman, I have taken pains, so far as I can, to find out exactly what our Army shortages were, not counting the unassigned recruits, on the 31st of December, 1916. I believe I am accurate, because my totals correspond with the figures given me by The Adjutant General. If my figures are correct—I have not had time to submit them to The Adjutant General, but shall do so to-day or to-morrow—on December 31, 1916, we were short 109 men in the Engineers, 791 men in the Field Artillery, 11,936 men in the Infantry, 2,675 men in the Coast Artillery, 2,137 men in the Quartermaster Corps, 500 men in the Ordnance, 1,612 men in the Signal Corps, 411 men in the Medical Department, and 562 miscellaneous enlisted men, which means school detachments, prison guards, Indian scouts, and so forth, making in all shortages amounting to 20,733 men, not counting vacancies in the ranks of unassigned recruits. In the Cavalry we had an excess of 199 enlisted men. Deducting that excess leaves a shortage on December 31, 1916, of 20,534 men, not counting the shortages among unassigned recruits.

But, Mr. Chairman, the real question in which the public is interested is the actual number of enlisted men of the line; that is to say, the fighting men; the Artillery, Field and Coast; the Infantry, and the Cavalry. The real question of interest is how many fighting men we have, not how many fighting men plus hospital stewards and plus quartermaster's employees and the like. On December 31, 1916, we had 84,771 enlisted men of the line, and that is all we had. As long ago as October 31, 1915, we had nearly as many as that. We had, as a matter of fact, 82,620 men, and yet that was before we passed our boasted preparedness laws. On March 17, 1916, we passed an emergency resolution allowing the President to recruit the Army up to its maximum strength, which at that time was legally 109,746 enlisted men of the line. Actually at that time we had in the Army 75,830 enlisted men of the line. It does not look as if our recruiting were going on very fast.

Now, what is the use of going around and telling the country that we have provided for a Regular Army of 225,000 men in time of peace and a Regular Army of 300,000 in time of war? It simply misleads the people. I have tried to show the House and this committee that the principal difficulty facing us in the matter of recruitment is the question of pay. I am trying to meet that difficulty by this amendment which I have offered. I shall, as a matter of form, even if it proves not to be in order, offer an amendment a little later increasing the scale of pay. In the same part of the bill I shall also offer an amendment curtailing the period of enlistment.

Mr. Chairman, I include as a part of my remarks the correspondence with Gen. McCain to which I have referred:

FEBRUARY 17, 1917.

Brig. Gen. H. P. McCain,
United States Army, War Department,
Washington, D. C.

DEAR GENERAL: Will you be kind enough to answer the following question: How many enlisted men is the United States Army short of the number authorized by the national-defense act for the fiscal year ending June 30, 1917?

Very truly, yours,

H. E. HULL.
A. P. GARDNER.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 17, 1917.

HON. HARRY E. HULL and
HON. A. P. GARDNER,
House of Representatives.

GENTLEMEN: In response to your joint note of to-day, in which you request to be advised of the number of vacancies in the enlisted strength of the Army at present, I have the honor to advise you that the total number of vacancies is approximately 20,000. Included in that figure are the vacancies in the unassigned recruits (8,639); but if the unassigned recruits are excluded as not being a part of the strength of either the line or staff the number of vacancies at present is 11,568.

These figures agree substantially with those furnished to Mr. Gardner on the 26th ultimo; but the figures furnished to Mr. Gardner were those for December 31, whereas the figures now given are brought up to date. As shown by the figures furnished on January 26, the actual strength was 109,959, and the authorized strength 133,166, a difference of 23,207; but included in the vacancies are the 8,639 unassigned recruits, which are not a part of the authorized strength of either the line or the staff.

In other words, it is estimated that the net gain between December 31 and to-day is approximately 3,000 enlisted men.

Very truly, yours,

H. P. McCain,
The Adjutant General.

FEBRUARY 18, 1917.

Brig. Gen. H. P. McCain,
Adjutant General United States Army,
Washington, D. C.

DEAR GENERAL: As a good many Members of the House of Representatives are still somewhat puzzled with regard to the extent of the shortage of enlisted men in the Regular Army, would you mind answering the following questions, so that we may be able to put before the House an agreed statement of fact:

1. According to the latest available figures, how many enlisted men of all descriptions, including unassigned recruits, are there in the Regular Army?
2. By how many does this number fall short of the total numbers of enlisted men of all descriptions, including unassigned recruits, authorized by the national-defense act for the fiscal year ending June 30, 1917?

Very truly, yours,

A. P. GARDNER.
H. E. HULL.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 19, 1917.

HON. H. E. HULL and
HON. A. P. GARDNER,
House of Representatives.

GENTLEMEN: In response to your letter of yesterday in which you request to be advised (1) how many enlisted men of all descriptions, including unassigned recruits, are there in the Regular Army, and (2) how many does that number fall short of the total number of enlisted men of all descriptions, including unassigned recruits, authorized by the national-defense act for the fiscal year ending June 30, 1917, I have the honor to advise you as follows:

On December 31, 1916, the latest date for which complete returns are available, the actual strength of the Army, including unassigned recruits, was 109,959, and the authorized strength was 133,166, leaving 23,207 vacancies of all kinds on that date. From the best data now obtainable it is estimated that the net gain between December 31 and February 15 was approximately 3,000, which would make the actual strength of the Army on the latter date approximately 112,900, and the number of vacancies, including those in the unassigned recruits, approximately 20,600.

The strength of the Philippine Scouts is not included in the foregoing figures. The authorized strength of the Scouts is 5,733, while the actual strength is 5,550, leaving 183 vacancies in that organization on December 31, 1916. It is not believed that any material change in the number of vacancies in the Scouts has occurred between December 31 and February 15.

If the Philippine Scouts are included, the total authorized enlisted strength is 138,899 and the approximate actual strength is 118,150, a difference of 20,749.

Very truly, yours,

H. P. McCain,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 20, 1917.

HON. A. P. GARDNER,
House of Representatives.

MY DEAR MR. GARDNER: Referring to my letter of yesterday to you and Mr. Hull in response to your joint request for information concerning the authorized and actual strength of the Army for the purpose of determining the number of vacancies in the enlisted strength, I desire to invite your attention to the following facts:

The statement furnished you yesterday was an accurate answer to your inquiry, but I do not think that the difference between the authorized and actual strength as shown in that letter should be regarded as the number of vacancies in the enlisted strength. To regard that difference as the actual number of vacancies seems unfair to the recruiting service, because it includes the total number of unassigned recruits authorized, and those recruits are not a part of the authorized strength of any line, staff, or miscellaneous organization. They are nothing more nor less than a surplus or reserve that may be maintained without impairment to the strength of the established organizations. In other words, they are an addition to, but not a part of, the established units of the Army.

Under the act of February 2, 1901, the unassigned recruits were a part of the line and were included in the strength authorized by law for line organizations, and consequently it was proper to include vacancies in the unassigned recruits as vacancies in the enlisted strength of the Army. Different from that act, the present law provides for unassigned recruits in excess of the authorized strength of the various units; not for the purpose of maintaining the total number of recruits authorized, but in order that a sufficient number may be provided to fill any vacancies that might occur in the established line, staff, and miscellaneous organizations without impairing their strength. If these latter organizations were filled, the Army would be filled, and it would not be necessary to make any serious effort to obtain the total number of unassigned recruits (8,639) now authorized. In fact, it would be a mistake to obtain them. It would be necessary to secure only a sufficient number of recruits in excess of the authorized strength of the line, staff, and miscellaneous organizations to fill promptly any prospective vacancies in those organizations in order to maintain the Army at its authorized strength. By prospective vacancies is meant the number that would be likely to occur within a month.

Your accuracy in presenting statistics relating to the Army has prompted me to express my personal views in this matter.

Very truly, yours,

H. P. McCain,
The Adjutant General.

Mr. CRAGO. I realize the necessity for utilizing all our time in the discussion of this important bill, but under the circumstances I think I would be remiss in my duty if I did not add or attempt to add something to the words of eulogy which have been so fittingly pronounced over one of our national officers who has answered the last roll call, Gen. Frederick Funston, who died February 19, 1917, at San Antonio, Tex.

In 1898, as an officer of the Tenth Pennsylvania Regiment, I reached San Francisco sometime during the month of May. A

few days after our arrival another organization joined us, the Twentieth Kansas Regiment, commanded by Col. Frederick Funston. I could give no better illustration of the unpreparedness in which our country found itself in 1898 than by pointing to that particular organization. We thought we were unequipped and unprovided for, but the Twentieth Kansas boys, as fine men as ever shouldered rifles, came into camp in San Francisco ununiformed, unequipped, with hardly the semblance of the equipment of a soldier. They were not equipped by the time we left, so we left on an expedition before them. As an officer of our regiment, I met Col. Funston at that time, and when a few months later he joined the Eighth Army Corps in the city of Manila, it was my pleasure to meet him again. On the 4th of February the Philippine insurrection started, and when the line of troops was formed to advance on Malolos the Twentieth Kansas was on our left, and for weeks and months our work of driving back the insurgents, of disarming them, of clearing the country, and opening up the railroad, was performed in conjunction with this splendid regiment composed of citizens of Kansas.

Our men mingled with the men from Kansas and we came to know them well. We knew Gen. Funston well; he was always regarded as a real fighter, and the boys of the regiment were never afraid to follow him any place. [Applause.] Today in this National Legislative Hall on behalf of the men of the Eighth Army Corps, the men who knew and loved Gen. Funston, on behalf of the men who followed him and looked to him as a leader during those days in which they were engaged in a warfare which cost the lives of many brave American soldiers, I want to add my feeble words of tribute and respect to the memory of a gallant soldier, a real American. The life of Gen. Funston is typical of our institutions; here and there out of the good red soil springs forth a man towering high above his fellows in the elements of leadership, and we wonder at the seeming mystery his life gives us. In life he gave all to country, in death he becomes one of our immortals, an example to those who shall follow after him. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I do not know how the gentleman from Massachusetts [Mr. GARDNER] arrived at the figures which he has included in his amendment—\$40,000,000—but I presume it is a mathematical calculation. Last year we appropriated for the enlisted men of the line \$23,000,000. This year the estimate submitted to us was \$31,979,596, and this bill proposes to appropriate \$27,000,000, which sum was arrived at as explained by the chairman of the committee when he explained the bill a few days ago.

I presume the figures of the chairman are correct; that is, figuring on the statement of Gen. McCain as to the number of men that we will get during the next few months. I simply took the floor to say that I have been and am now an advocate of higher pay for the privates in the Regular Army. I realize that to give the private more pay we will have to increase this item, and I further understand that an amendment to increase the pay of the soldier is subject to a point of order if anyone feels to make it. However, it may be that we are all convinced at this time that the only way that we can get the men to fill up the Army as provided for in the national-defense act is to increase the pay of the private soldiers, and feeling so, the point of order may not be made. But if not made, we should increase this item, and, while I do not know whether the figures of the gentleman from Massachusetts are correct, I feel inclined to support him, because it will lead up to increasing the pay of the private soldier. When we are increasing the pay of the officers and promoting them, I feel that the time has come when we ought to increase the pay of the man who carries the gun in the Army of the United States.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in—how much time does the gentleman want on that side?

Mr. ANTHONY. I want five minutes.

Mr. GARDNER. I would like two minutes to explain about the figures.

Mr. FREEMAN. I would like to have 10 minutes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto conclude in 17 minutes.

Mr. STAFFORD. Does that allow 10 minutes to the gentleman from Connecticut?

Mr. DENT. That allows 7 minutes to the gentleman from Connecticut. I will make it 20 minutes, Mr. Chairman, and give the gentleman from Connecticut 8 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto close at the expiration of 20 minutes, the time to be divided as has been informally indicated.

Mr. GREENE of Vermont. May I inquire of the chairman if he has changed his purpose to present a certain amendment in connection with the paragraph?

Mr. DENT. I have not, and will present it.

Mr. GREENE of Vermont. But if amendments are foreclosed by limiting debate—

The CHAIRMAN. The agreement does not foreclose the right to offer an amendment. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks that I have just made by inserting the correspondence alluded to.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FREEMAN. Mr. Chairman, I agree with the gentleman from Massachusetts [Mr. GARDNER] in his laudable desire to provide in this country an adequate defense, but I have no sympathy whatever with his proposal to enlist men by the inducement of higher pay for the protection and defense of other able-bodied men of the United States. I believe that in this great Republic we should not depend upon a hired Army. The other day I had occasion to state that it was our plain duty to maintain a fleet sufficient to prevent the transportation of troops across the Atlantic and the Pacific by any other nation. I believe if we are faithful and energetic in the pursuit of such a policy there will be no need of a large standing Army. Our combined Military and Naval Establishment should be organized solely with a view of home protection, and never for the purpose of foreign aggression. [Applause.] There is always a risk that a large standing Army may be used for other purposes than for protection and defense, and for that reason I have been fairly content with the provisions of the national-defense act and with the provisions of the bill now pending.

I am, however, not unmindful that through the courage and statesmanship of loyal, patriotic Americans in the past we have become a great Nation of the world, with ever-widening dominion, with ever-increasing responsibilities, and I am deeply grateful that through their hardships, through their sacrifices, we have inherited a country great and prosperous in all things; rich in agriculture, rich in manufactures, rich in mineral resources, rich in the arts and sciences, rich in freedom. And I now keenly realize that this great national wealth of ours, if left unprotected, is an element of peril when other great nations of the world, animated by lust of conquest and greed of trade, are arming and equipping by the aid of conscript laws millions and millions of their men, trained in the art of modern warfare. Our friendly neighbor upon the north will soon have over 500,000 men, trained veterans. Our unfriendly neighbor on the south is making out of every Mexican bandit more or less of a trained soldier, and there is ever present the possibility that we may not be able to maintain control of the ocean so as to prevent the transportation of foreign troops to our shores. So now I believe that our traditional military policy, so much praised by the gentleman from Tennessee [Mr. McKELLAR] the other day, our traditional military policy which heretofore has been successful, of no large standing army and of reliance solely upon a civilian population formerly somewhat trained in the use of firearms, should now be improved and brought up to date in a most radical manner. The experience of England in this war has demonstrated that a civilian without previous military training is absolutely worthless for immediate use as a soldier. I believe that we should now adopt the policy of universal military training for all young men in the Regular Army of the United States, enlistments to be limited to one year, denying to privates and perhaps to corporals the privilege of reenlistment. In this way there will be a chance for all, and yet there will be no large permanent standing army. The youth of our country are compelled to go to school for years without pay for their own good and for the good of society. Therefore, I hold that they should be compelled to serve with merely nominal pay, certainly not higher pay, for another year in the military service of their country. I believe that this policy could be adopted without any real economic loss to the Nation at large. I believe that this one year of training in the Regular Army will never be forgotten and that the lessons of loyalty, of patriotism, of obedience to constituted authority will turn them out better men, better civilians, better equipped in every way to perform the duties of civic life, and will make them more ready, more willing to respond to their country's call in their country's hour of need. Experience has shown that a man without previous military

training, a man over the age of 21 years, is apt to weigh altogether too nicely the discomforts and perils of war.

I have been informed that in our Civil War in the Union Army there were more enlistments of boys under the age of 16 than there were of men under the age of 22, that there were more enlistments of boys under 19 than there were over 19, and that there were enlistment of 2,150,000 boys under the age of 21. I am in favor of universal military training in the Regular Army, playing no favorites, granting no certificates of exemption to those who are serving in the National Guard, nor to those who are attending military and naval academies, nor to anyone else for any cause whatsoever save physical disability. I believe in one year enlistments in the Regular Army, of all young men at some time, between the ages of 17 and 22. I believe that in such an army there will be no great hardship, in that kind of an army there will be no snowbirds, men who enlist in November and desert in May. In that army there will be no industrial failures, men anxious only for their \$15 per month and their keep. Men in that army under the uniform of the United States when off duty will be welcomed everywhere, in theaters and places of amusement. Young ladies may walk down the streets with perfect propriety with privates of the United States and rest under no suspicion.

The uniform of the United States would cover alike the son of a millionaire and the son of a day laborer, the son of a minister of the gospel and the son of a gambler. Such an army a real democracy should have. Such an army this great Government of the people ought to have. [Applause.]

Mr. ANTHONY. Mr. Chairman, if I believed that the only reason why we have failed to secure as many recruits for the Army as we should was due to the fact that the pay was not sufficient, I might agree with the proposal of the gentleman from Massachusetts [Mr. GARDNER], but I make the assertion that if this country has to compete with the wages being paid in civil life, the big scale of wages now in vogue at the munition plants supplying the warring nations of Europe, in order to secure recruits for the Army, it will bankrupt this country even though it is the richest Nation on the face of the earth. Therefore, it is impossible to attempt competition of that kind. Aside from that, the figures in this bill have been framed upon the assertion from The Adjutant General of the Army that in his opinion we will make the second increment authorized under the reorganization bill by July 1. I saw Gen. McCain yesterday, and he told me that the figures of recruiting for the last month were so far in excess of what he thought they would be that he fully believed, had no reason to doubt, that he would obtain the necessary recruits to bring the Army up to its authorized strength by July 1.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GARDNER. Is it not a fact that the reason the recruiting figures are showing so favorably is that they are holding on to the time-expired men instead of letting them go to the reserves?

Mr. ANTHONY. I can not say as to that.

Mr. CALDWELL. Mr. Chairman, if the gentleman will permit me to answer, I will state that I asked Gen. McCain that identical question in the hearings, and the gentleman from Massachusetts will find his statement there to the effect that in making his calculation he did not calculate upon those.

Mr. GARDNER. Yes; but he has in these 3,000 in that letter.

Mr. ANTHONY. Mr. Chairman, I will say that twice in my service upon the Military Affairs Committee I have assisted in increasing the pay of the enlisted men—not only of the enlisted men, but of the noncommissioned officers of the Army. First of all, we should see to it that the noncommissioned officer is well paid. He is the man that we want to retain in the service, and first of all he should receive our consideration. I can not agree again with the gentleman from Massachusetts [Mr. GARDNER] that it is clearly a matter of pay that stands in the way of obtaining an army of the size we need. If we go to the extreme of the policy advocated by the gentleman from Massachusetts, we might as well hire an army of Hessians and mercenaries, because that is finally what it will come to. I believe there are other things to be considered in this matter of making the service attractive so that we can obtain recruits. The Army is becoming more and more an acceptable place for service for the American boy, and we can make it even more so with the reforms that can be brought about; so that, as friendly as I am to the enlisted man of the Army, I do not believe we would be proceeding along a proper course by merely raising the pay at this time.

Mr. McKELLAR. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. McKELLAR. Is it not a fact that these figures that are in the bill are figures of the committee after a most careful investigation and examination of the expert testimony of the Army officers who came before us?

Mr. ANTHONY. I will say they are.

Mr. GARDNER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. GARDNER. Is it not also a fact they are calculated based on the present rate of pay?

Mr. ANTHONY. They are.

Mr. GARDNER. Then what is the point of the question of the gentleman from Tennessee?

Mr. ANTHONY. Let me say this—

Mr. GARDNER. I propose to raise them; that is the whole discussion.

Mr. ANTHONY. It is very easy to speak of the enlisted men of the Army receiving \$15 a month as their pay. As a matter of fact, the House should remember that a large percentage of the enlisted strength of the Army are noncommissioned officers, and when you speak of the average pay of the enlisted men of the Army the average pay, instead of being \$180 a year, will run up to about \$266.50 on the average. That is the pay in dollars and cents.

Mr. GARDNER. Will the gentleman yield?

Mr. ANTHONY. Let me complete this. On top of that, if you add the board and lodging of the men, it is worth at least \$20 a month. If you add to that clothing and shoes, it is worth at least \$10 a month, and if you add to that the medical service and hospital service, it will reach \$5 a month, and the pay of the average enlisted man in the Army to-day is nearer \$48 a month than the contemptuous "\$15 per month" generally mentioned by critics of Army pay.

Mr. GARDNER. Now, the gentleman knows, I suppose, that the bulk of the noncommissioned officers are corporals?

Mr. ANTHONY. Yes.

Mr. GARDNER. How much more does a corporal get than an enlisted man?

Mr. ANTHONY. Only a few dollars more; but I will say to the gentleman when he figures the noncommissioned enlisted staff along with the others it will run to a high figure. I yield the balance of my time to the gentleman from Massachusetts.

Mr. GARDNER. Mr. Chairman, in reply to the gentleman from Illinois [Mr. McKENZIE], the way I arrived at my figure of \$40,000,000 is this: I prepared a complete scale of pay for the enlisted men and noncommissioned officers of the Army and submitted it some months ago to Gen. Sharpe, Quartermaster General, and asked him to calculate out its expense. He calculated it out, I suppose, on the basis of the entire second increment next year, which is not the basis on which the committee has calculated its figures of \$27,000,000. After Gen. Sharpe informed me that my scale would call for \$30,000,000 more, I reduced the scale somewhat. I have offered an amendment providing \$13,000,000 more. I wanted to be perfectly sure that there should not be more money to pay enlisted men than the number of enlistments would warrant. I prefer that the War Department should be obliged to come back for a deficiency appropriation. I can not tell how far short my amendment will fall of the amount required to meet the wage scale which I shall offer. It is, of course, impossible to predict to what extent the increased pay will or will not result in increased enlistments.

Mr. DOWELL. Will the gentleman yield?

Mr. GARDNER. I will.

Mr. DOWELL. On the basis that the gentleman has figured what would be the pay of the enlisted man?

Mr. GARDNER. The base pay of a private of the second class is now \$15 a month, and I raise it to \$25 a month. I have raised corporals and sergeants more than privates, because I believe that one of the greatest inducements to enlistment is for a recruit to realize that it is possible for him to rise to a highly paid place, even if his education prevents him from becoming a commissioned officer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I yield two minutes of my time to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, this is clearly and purely a matter of mathematics. If the amendment to be offered later by the gentleman from Massachusetts [Mr. GARDNER] shall prevail it will be necessary that we put in the figures he proposes here. If that amendment does not prevail, there is no good reason for putting in the figures he proposes.

Mr. GARDNER. Is it not possible an amendment which is in order in the Senate to increase the scale of pay might be adopted? If it saw the House wished to increase the pay but were merely prevented by their own rules, the Senate might act and make their own increase.

Mr. TILSON. If we assume that the amendment of the gentleman is going to be adopted in the Senate, I take it we should also assume that the Senate will increase the appropriation to fit. It seems to me that we might well pass this paragraph with a unanimous-consent agreement that in case the amendment to be proposed by the gentleman from Massachusetts be agreed to that we will return to this item. I assure him I shall then vote for his amendment. It seems to me that is all there is to it. There is no use voting an increased appropriation here when under the law, as it now stands, we can not spend it.

Mr. GARDNER. Will the gentleman yield?

Mr. TILSON. I will yield.

Mr. GARDNER. Does not the gentleman see that my scale of pay is bound to go out on the point of order and we have no way to test the sense of the House except on the amendment which I have offered?

We can not get a vote in this House except on my amendment, because the increased scale of pay is out of the bill.

Mr. TILSON. Suppose we should pass the amendment proposed by the gentleman to increase this item to \$40,000,000? By adopting it we should be increasing the item \$13,000,000 more than we could expend under the law.

Mr. GARDNER. If that is an unexpended balance, it returns to the Treasury, does it not?

Mr. TILSON. Oh, yes.

Mr. GARDNER. What possible harm could it do, then?

Mr. TILSON. By the same reasoning we might increase all these items a hundred millions, for that matter, because they are all authorized by law. But we are not going to do it.

Mr. DENT. Mr. Chairman, the whole proposition now before the committee is whether or not the Committee on Military Affairs of the House has submitted a sufficient appropriation for the Army under the law as it now exists. I undertook to say in my statement the other day when presenting this bill that we had made these figures based upon the probable strength in the Army in accordance with past and present conditions, and that under no circumstances could the Army next year be hoped to be greater than 115,000 men of the line. This being the case, and basing the figures upon the figures of the Quartermaster's Department, at \$237 a year, which includes extra pay for superior marksmanship, and so forth, it was a little more than \$26,000,000. In order to amply provide for the support of the enlisted men of the line, we made the figures \$27,000,000. I understand the gentleman from Massachusetts is offering an amendment that is to increase it to \$40,000,000, upon the theory that he is going to offer a subsequent amendment to increase the pay of privates from \$15 to \$25 a month. Of course, that would be subject to a point of order, and I expect to make the point of order.

Mr. GARDNER. I am not so sure it is going to be subject to a point of order.

Mr. DENT. Well, I think it is subject to a point of order, and I understood the gentleman a few moments ago, in reply to the gentleman from Connecticut [Mr. TILSON], to admit that it was subject to a point of order.

Mr. GARDNER. I will take back the admission if I made any such mistake.

Mr. DILL. Will the gentleman from Alabama yield for a question?

Mr. DENT. Yes.

Mr. DILL. Has the committee made any provision for increased pay of the private soldier in this bill?

Mr. DENT. It has not.

Mr. DILL. Did the committee consider the fact that all expenses have greatly increased?

Mr. DENT. The committee considered that, but the committee also considered the fact that the Government supplies the enlisted man with his subsistence, and so forth, and he does not have to pay for it.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. DENT. Yes, sir.

Mr. DOWELL. Has the committee recommended any other provision for the stimulation of recruiting to the Regular Army?

Mr. DENT. Not in this bill; no. I stated the other day when this bill was presented to the House that during this short session of Congress the Committee on Military Affairs came to the conclusion early in the hearings that it would be impossible to make any radical or material changes in the legislation providing for the Military Establishment of the country. This is an appropriation bill to carry on the establishment as created by this Congress at the last session.

Mr. DOWELL. Does not the gentleman believe that something should be done in this bill to increase the recruits up to the authorization?

Mr. DENT. Well, the gentleman would like to have something done in order to accomplish that, but I confess so far as I am concerned no tangible suggestion upon that subject has been made to the committee.

Mr. DOWELL. Does the gentleman believe that if the pay is increased it will have the tendency to stimulate recruits and fill up the ranks?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. DENT. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 11, line 12, strike out "\$27,000,000" and insert "\$40,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. GARDNER. Mr. Chairman, I ask for a division.

The committee divided; and there were—yeas 24, yeas 55.

So the amendment was rejected.

The Clerk read as follows:

That the act of May 11, 1908 (35 Stat. L., 110), is amended to read as follows:

"That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive \$2 per month; as sharpshooters, \$3 per month; as expert riflemen, \$5 per month; as second-class gunners, \$2 per month; as first-class gunners, \$3 per month; as expert first-class gunners, Field Artillery, \$5 per month; as gun pointers, gun commanders, observers second-class, chief planters, and chief loaders, \$7 per month; as plotters, observers first-class, casemate electricians, and coxswains, \$9 per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no man shall receive at the same time additional pay for more than one of the classifications named in this section."

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. GARDNER. Mr. Chairman, I see the gentleman from Kentucky has done what I was going to do.

Mr. SHERLEY. I would like to ask why the proposed increase touching the Field Artillery, \$5 a month, is limited to Field Artillery?

Mr. DENT. I will state to the gentleman from Kentucky that is the only provision, as I recall the hearings in this amendment, which is new matter. The Ordnance Department suggested that expert first-class gunners of the Field Artillery should have the benefit of this, as the others named in the act. That is the only reason that is given for it, and I confess it is subject to a point of order. It is new legislation.

Mr. SHERLEY. The gentleman says the Ordnance Department indicated that?

Mr. DENT. The Chief of Ordnance.

Mr. SHERLEY. I do not see why it comes under him to indicate an increased pay for men in the mobile army under the Field Artillery.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. That was put in there because the expert rifleman with the small arms gets that additional pay.

Mr. SHERLEY. Why should it not apply, then, to the coast artillery man, who is an expert with coast artillery as well as field artillery?

Mr. KAHN. Because the department said and the committee felt that a man who would become expert with a big gun ought to get the increased pay as well as the man who had become expert with the small arms.

Mr. SHERLEY. I understand; but there are some big guns in connection with the Coast Artillery.

Mr. ANTHONY. Does not that paragraph cover the Coast Artillery as well as the Field Artillery, the gun pointers, and the chief commanders, and the chief planters and chief loaders connected with the Coast Artillery?

Mr. SHERLEY. Yes; but this is raising the Field Artillery.

Mr. ANTHONY. We are even going so far as to pay the Coast Artillery a higher bonus than the Field Artillery.

Mr. SHERLEY. Gun pointers are limited to Coast Artillery?

Mr. STAFFORD. That provides only for the increase of the salary of expert class gunners in the Field Artillery, \$5 a month. That is the only change of the existing statute.

Mr. SHERLEY. I understand that. That is not the point I was trying to arrive at. I am free to confess that I am not familiar with the regulations touching the pay and the classifications made here, but I understand from the gentleman from California [Mr. KAHN] that the classifications that follow this new matter are those that relate to the Coast Artillery and do not relate to the Field Artillery.

Mr. KAHN. Some of them; yes.

Mr. SHERLEY. What ones?

Mr. KAHN. I think all of them relate to the Coast Artillery. They all refer to the Coast Artillery.

Mr. SHERLEY. The Coast Artillery only?

Mr. KAHN. Yes. We have no first-class observers, no gun pointers, no observers of the second class, no chief planters and chief loaders in the Field Artillery. They are all Coast Artillery.

Mr. SHERLEY. The gentleman from Alabama [Mr. DENT] realizes that this makes the paragraph open to other amendments that would otherwise be subject to a point of order. I just tell the gentleman that for what it may be worth.

Mr. KAHN. All the other raises in the paragraph are provided for by existing law.

Mr. SHERLEY. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Kentucky withdraws the point of order.

Mr. STAFFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

Mr. STAFFORD. It is merely a formal amendment. I think in amending a paragraph of a prior Army appropriation act the paragraph should be described sufficiently; and the purpose of my amendment is to make more exact the description of the paragraph about to be amended by the action of the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 11, line 13, after the word "That," insert "that paragraph of," and insert after the word "ten," in line 15, the following: "which provides for additional pay of marksmen," etc.

Mr. STAFFORD. So as to read—

Mr. FESS. Let it be read in the way it will read as amended.

Mr. SHALLENBERGER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHALLENBERGER. Is it too late to make a point of order against the paragraph as to the expert first-class gunner?

The CHAIRMAN. The Chair thinks so. The reservation was withdrawn some time ago, and we proceeded to take up the matter, and the gentleman from Wisconsin [Mr. STAFFORD] offered an amendment. The Chair would not be hasty in holding that, but under the circumstances the proceedings have gone too far. Has the gentleman from Wisconsin completed what he had to say? The Chair understood he had the floor.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. If the gentleman from Alabama has followed the amendment—

Mr. DENT. I have not.

Mr. STAFFORD. Mr. Chairman, will the Clerk read the amendment as it is amended?

The CHAIRMAN. The Clerk will read the paragraph as it will appear when amended.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 11, line 13, after the word "That," insert the words "that paragraph of," and insert after the word "ten," in line 15, the following: "which provides for additional pay of marksmen, etc.," so that the paragraph as amended will read, beginning on line 13, "That that paragraph of the act of May 11, 1908 (35 Stat. L., 110), which provides for additional pay of marksmen, etc., is amended so as to read as follows."

Mr. GARDNER. Mr. Chairman, would it not be better to have the exact paragraph stated?

Mr. DOWELL. Mr. Chairman, I desire to ask a question, if I can get the floor.

Mr. STAFFORD. I yield to the gentleman.

Mr. DOWELL. As I understand the gentleman's amendment, by adding the words "That that paragraph," it does not sufficiently describe or specifically describe the paragraph of the act of May 11.

Mr. STAFFORD. Oh, yes, it does.

Mr. DOWELL. My view is that the wording as it is now is more definite and certain than with the amendment of the gentleman.

Mr. STAFFORD. The gentleman is only observing part of the amendment. If he will observe the second part of the amendment, which provides for additional pay of marksmen, and so forth, he will find that it describes it absolutely.

Mr. DOWELL. But "That that," as I suggested, is not definitely describing what is contained in this paragraph.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SHALLENBERGER. Mr. Chairman, I make the point of order to that part of the paragraph referring to expert gunners and field artillery, that it is new legislation.

The CHAIRMAN. We have already passed on that.

Mr. KAHN. Mr. Chairman, I make the point of order that the point of order of the gentleman comes too late.

The CHAIRMAN. The Chair has already ruled on that, to the effect that while he would not be hasty, yet we had proceeded too far to take that up.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend the remarks I made a few moments ago on Gen. Funston.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. KAHN. Mr. Chairman, I make the same request.

Mr. FESS. And I make the same.

The CHAIRMAN. The gentleman from California [Mr. KAHN] and the gentleman from Ohio [Mr. FESS] make the same request. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 12, line 2, after the word "section," strike out the quotation marks and insert:

"Provided, That hereafter the monthly pay of enlisted men of the Army shall be increased as follows: Master electricians and all others receiving \$75, to \$85; master engineer, junior grade, Corps of Engineers, from \$65 to \$75; sergeant, first class, Medical Department, from \$50 to \$60; first sergeants, from \$45 to \$65; sergeant, first class, Corps of Engineers, and all others receiving \$45, to \$55; battalion sergeants major of Infantry, and all others receiving \$40, to \$50; sergeants of Engineers, and all others receiving \$36, to \$46; sergeants of Cavalry, Infantry, and Artillery, from \$30 to \$40; quartermaster sergeants of Cavalry, and all others receiving \$30, to \$40; corporals of Engineers, Ordnance, Signal Corps, Cavalry, Artillery, and Infantry, from \$24 and \$21 to \$38; chief mechanics, and all others receiving \$24, to \$34; saddlers, and all others receiving \$21, to \$31; privates, first class, and all others receiving \$18, to \$28; privates, second class, and all others receiving \$15, to \$25."

Mr. DENT. Mr. Chairman, I make a point of order.

Mr. GARDNER. Mr. Chairman, I should like to know what the point of order is.

Mr. DENT. The point of order is that it is new legislation and an attempt to change the law with reference to the pay of privates in the Army.

Mr. STAFFORD. I make the further point of order that it is not germane.

Mr. GARDNER. I wish to be heard on the point of order. I read from section 824 of the rules:

A paragraph which proposes legislation being permitted to remain, may be perfected by a germane amendment.

The paragraph which I seek to amend was permitted to remain. That seems to dispose of one of the points of order. Yesterday I furnished the Chair with the references on that matter. They are to be found in volume 4 of Hinds' Precedents.

Mr. STAFFORD. Will the gentleman kindly cite the precedents which he called to the attention of the Chair?

Mr. GARDNER. I will ask the gentleman to refer to the rules of the House of Representatives, page 367, ending with the second paragraph. Yesterday, I brought the precedents to the attention of the Chair. Now, this question which the gentleman from Wisconsin [Mr. STAFFORD] has raised may, or may not, be a good point of order. I have sent for the national-defense act, but I can not find in it the paragraph which provides for marksmanship pay.

Mr. TILSON. It is not in the national-defense act. It is in the act of May 11, 1908. That is where the marksmanship pay was fixed.

Mr. GARDNER. Has the gentleman got that paragraph?

Mr. TILSON. No; it is in 35 Statutes at Large, page 110.

Mr. GARDNER. If the same paragraph which provides for marksmanship pay also provides for the pay of the Army, under the wording of the amendment of the gentleman from Wisconsin, it is germane, because his amendment provided that the paragraph of the act of May 11, and so forth, which provides pay for marksmanship shall be amended, and so on. Now, if that same paragraph also provides for the general pay of enlisted men, then my amendment is germane.

Mr. STAFFORD. The gentleman is in error in that particular.

Mr. KAHN. It does not provide for the pay of enlisted men. I have the statute here.

Mr. GARDNER. Then the gentleman's point of order is well taken.

Mr. STAFFORD. The gentleman virtually concedes that the point of order is well taken, because I have examined the paragraph referred to in the bill which is sought to be amended, and have it before me. It is the Army appropriation bill of 1909. The paragraph under consideration is limited exclusively to the pay for marksmanship of gunners and the like. There is but one class of enlisted men to which it applies. The gentleman by his amendment seeks to include a different class and many other classes. We had that same question before the House, but if the gentleman concedes the point of order—

Mr. GARDNER. I do not. I find in the statute that marksmanship pay is included under the general heading of "Pay of enlisted men." I have it here.

Mr. STAFFORD. I do not wish to cut short the argument of the gentleman from Massachusetts. When he has concluded, I shall be glad to take the floor, with the indulgence of the committee.

Mr. GARDNER. The amendment adopted on the motion of the gentleman from Wisconsin—and I fancy that he was intelligent enough to offer that amendment with a view to shutting out my subsequent amendment—

Mr. STAFFORD. I had no such idea in mind. I wanted to perfect the bill.

Mr. GARDNER. All right. I gave the gentleman credit for it.

Mr. STAFFORD. Oh, no. If I had wanted to shut out the gentleman's amendment, I would have made a point of order on the original paragraph. I was well aware of the procedure to take if I wanted really to bar the gentleman from the consideration of his amendment.

Mr. GARDNER. Very well. Now, Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD] did, as a matter of fact, offer an amendment, which as adopted, makes the paragraph which we are discussing relate in terms to a certain paragraph in the act of May 11, 1908, Thirty-fifth Statutes at Large, page 110. By the gentleman's amendment a certain paragraph in that act is described as the paragraph which provides for marksmanship pay for enlisted men. Now, the gentleman raises the point of order that my amendment is not germane to that particular paragraph. I admit at once that it is not germane to the marksmanship pay of enlisted men. I contend, however, that it is germane to the paragraph, because the paragraph relates to pay of all sorts. It begins—

For pay of enlisted men of all grades, including recruits, \$10,000,000—and so forth. Later the same paragraph provides for marksmanship pay, all under the subheading of "pay of enlisted men." Now, I do not know the definition of the word "paragraph," when it refers to a statute. But this provision cites a particular law. It cites a particular paragraph of that law and describes it as the paragraph which contains the provision for marksmanship pay. I submit that the very same paragraph which contains the provision for marksmanship pay also contains the provision for the monthly pay of the enlisted men of the Army. For that reason I dispute the point of order which the gentleman makes to the effect that my amendment is not germane to the paragraph of the law which I seek to amend.

The CHAIRMAN. Let the Chair ask the gentleman a question. A point of order was reserved by the gentleman from Kentucky to some portion of the present paragraph as found in the reported bill. I presume that was directed to some content of that paragraph out of order. What particular part of that paragraph was the reservation to?

Mr. GARDNER. The whole paragraph, beginning at line 13, page 11, to line 2, page 12, at the end of the quotation marks.

The CHAIRMAN. Some portion of the paragraph, I suppose, is undoubtedly in order.

Mr. GARDNER. I know of nothing. It is an entire change from existing law.

Mr. TILSON. Mr. Chairman, that is not the fact. The fact is that the entire paragraph is now the law except that part in lines 20 and 21, "as expert first-class gunners, Field Artillery, \$5 a month." That is all the additional matter that is not in the original law of May 11, 1908. There is also the word "coxswain" which was not in the original law of May 11, 1908, but was made law by the national-defense act. Therefore, the only part that is new legislation are the lines 20 and 21, reading "and expert first-class gunners, Field Artillery, \$5 a month."

Mr. GARDNER. May I ask the Chair a question?

The CHAIRMAN. Certainly.

Mr. GARDNER. Suppose it is true that the point of order was not reserved against the whole paragraph but only against

those particular words, would the Chair in sustaining that point of order have ruled out the whole paragraph or broken the sentence in the middle and ruled out the offending words?

The CHAIRMAN. The point of order may be directed against the paragraph as a whole containing offending matter, or directed only against the offending matter.

Mr. GARDNER. Then it is for the Record to show what the reservation in the point of order was?

The CHAIRMAN. Yes. The Chair was trying to seek what the gentleman in making the point of order had in mind—whether the whole paragraph was the offending matter.

Mr. GARDNER. Mr. Chairman, I was mistaken in supposing that the entire scale was new, and the Record will show whether the gentleman from Kentucky [Mr. SHERLEY] made his point of order against the whole paragraph or to some particular part. It seems to me the whole contention should rest on that.

Mr. KAHN. Mr. Chairman, this question of what constitutes a paragraph was decided by the Chair on last Saturday.

Mr. GARDNER. Only so far as bills are concerned, not the statute law.

Mr. KAHN. What constitutes a paragraph in a bill constitutes a paragraph after the bill has become a law.

Mr. GARDNER. No; what constitutes a paragraph in a bill the House of Representatives will determine, but what constitutes a paragraph in a law is what the court decides after the Senate and the House have both acted.

Mr. KAHN. I rather think the court would look at the debates in the House in trying to construe whether it was a paragraph in the bill or not. Debate on this very bill points out very clearly what constitutes a paragraph and what Congress intended. The Chair ruled on Saturday, if you remember, that certain provisions of the section, each separate provision, notwithstanding they were separated from each other by a semicolon, constituted a paragraph. The Chairman will find the debate on the matter on page 3534 of the CONGRESSIONAL RECORD. The matter in the bill was on page 6, lines 1, 2, and 3. The Chair held that the separate provision was a separate paragraph.

Mr. STAFFORD. Mr. Chairman, the paragraph under consideration merely changes existing law by including in the enumerated classes to receive higher pay "expert first-class gunners, Field Artillery, \$5 a month," and "coxswain."

Also in the further particular that the proviso carried in the original paragraph limiting the number that may be appointed is eliminated.

I wish to direct the Chair's attention to the phraseology of the paragraph sought to be amended. It is a paragraph that seeks to increase the pay of the enlisted men when performing a certain function, that of gunnery; in fact, the annotator of the Statutes at Large, page 110, recognizes that by saying, "Additional pay, marksmen and gunners." I direct special attention to the wording of the paragraph itself because it must all turn on that pivotal point. The first sentence of the paragraph is as follows: "That hereafter enlisted men now qualified or hereafter qualified"—as what? Qualified "as marksmen, shall receive \$2 a month; qualified as sharpshooters, \$3 a month; qualified as expert riflemen, \$5 a month; qualified as second-class gunners, \$2 a month," and going right down the line increasing salaries to those qualified in respective grades of gunnery work to which they may be assigned.

The question before the Chair is whether the amendment offered by the gentleman from Massachusetts, which seeks to increase the salary of the whole Army, is germane to this paragraph.

Mr. GARDNER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GARDNER. My argument was that it was germane to the paragraph.

Mr. STAFFORD. And I am saying that it is not germane to the paragraph. This is not, as I was about to say when interrupted by the gentleman, a new proposition for decision by the Chair. It is the very same question that was raised here when the Post Office appropriation bill was under consideration in the House, when the gentleman from California [Mr. RANDALL] attempted to offer to sections 3 and 5 of the Post Office appropriation bill, which carried an amendment to the criminal code, an amendment providing for the exclusion from the mails of newspapers containing liquor advertisements. What did the Speaker hold on that occasion? I raised the point of order that it was not germane to the paragraph under consideration. And the Chair must take notice that while there has been in this paragraph new legislation incorporated and that waives the right to object to kindred legislation, it does not waive the right to raise the point of order as to that legislation which is not

germane. The Speaker of the House, after an extended argument and good consideration by the Speaker, the gentleman from Kentucky [Mr. SHERLEY], the gentleman from New York [Mr. FITZGERALD], the gentleman from Georgia [Mr. CRISP], and myself participating in the debate, held and followed the principle that if these paragraphs were submitted as a separate item in a bill it would not be in order to offer the amendment that the gentleman from California [Mr. RANDALL] sought to offer.

The only question before the Chair is, supposing there was brought in the House a separate bill, the paragraph contained on page 11, between line 13 and line 2 on page 12, whether an amendment limited exclusively to providing pay to enlisted men who were qualified as marksmen would be permitted to be a handle upon which to hang other amendments to incorporate something entirely different, to provide an increase in pay for the entire enlisted force whether they performed the service as marksmen or not. The Chair will have to hold under the well-recognized rule that because a bill provides one character of proposal is no warrant for opening it to include additional characters of proposals or different characters of amendments. The amendment of the gentleman which purposed to increase the salary of other enlisted men hinges on the words in line 17, "That hereafter enlisted men now qualified or hereafter qualifying as marksmen," and so forth. This was an increase of salary of enlisted men qualified as marksmen. It had but one central idea, and that idea was connected with gunnery; but the amendment of the gentleman from Massachusetts [Mr. GARDNER] has nothing to do with gunnery or marksmanship. It is extraneous, and because it is extraneous on the subject of marksmanship he can not, because the paragraph has been amended in a proper way so far as germaneness is concerned, use it to carry another proposal for increasing the salary of the enlisted force. I shall not stop to cite the numerous decisions pertaining to germaneness where the Chair on prior occasions has ruled such amendments out of order.

The CHAIRMAN. The gentleman from Massachusetts, [Mr. GARDNER], a day or two ago called the attention of the Chair to certain precedents, in this connection. These precedents have been duly examined, and found to be difficult of reconciliation. The general proposition with which the Members are all familiar, is that a paragraph in a bill which contains matter not in order, is subject to a point of order even though the offending and illegal matter may constitute but a relatively small proportion of the entire paragraph. This point of order is good either against the entire paragraph, or the offending matter. But if the point of order is not made to the paragraph, or offending matter, then the entire paragraph becomes in order. It has been held in the latter case that such a paragraph may be perfected by a germane amendment. (Hinds, Vol. IV, secs. 3823-3835, 3838). Hence the question has often arisen whether these perfecting amendments should be germane to the paragraph as a whole, thereby adding a new and greater proposition of illegality than that contained in the original offending matter, or germane only to this matter which has become in order by reason of the failure to raise the question of illegality. The precedents are conflicting. It has been held that the right to perfect a paragraph which would have been out of order if the question had been raised, by a germane amendment, does not permit an amendment which adds an additional proposition of illegality (Hinds, Vol. IV, secs. 3836, 3837, 3862).

In other words, the latter precedents require the perfecting amendment to be germane to the original offending language in the paragraph. If the amendments carrying additional legislation are germane to the offending language, they are in order, but not so, if they relate rather to the body of the paragraph. This proposition is clearly stated in the following decision:

If a paragraph has been included in a bill which has in it a taint of illegality, that paragraph can be corrected or perfected by an amendment, but if the paragraph which is proposed as an amendment, carries a further degree of illegality, affecting the whole paragraph as amended, then it is not in order.

The offending matter in the paragraph under consideration is contained in these words:

As expert first-class gunners, Field Artillery, \$5 per month.

It can hardly be said that the amendment offered by the gentleman from Massachusetts, is germane to this language, and designed to perfect it. This being so, the Chair holds that a new and comprehensive proposition of illegality is sought to be added to the paragraph by the proposed amendment. For this reason, and in conformity with the precedent last cited, the Chair sustains the point of order.

Mr. GARDNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 12, line 2, after the word "section," insert:

"Section 27 of the national-defense act, approved June 3, 1916, is hereby amended so as to read as follows:

"Sec. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1917, all enlistments in the Regular Army shall be for a term of three years, the first year to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last two years in the Regular Army Reserve hereinafter provided for: *Provided*, That at the expiration of one year's service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of three years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act one year shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of one year in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge: *Provided further*, That no person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control: *And provided further*, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army, the postmaster procuring his enlistment shall receive the sum of \$5.

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers."

Mr. DENT. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. GARDNER. Mr. Chairman, will the gentleman reserve the point of order for two minutes? It is clearly subject to the point of order.

Mr. DENT. Yes.

Mr. GARDNER. That amendment seeks to substitute an enlistment period of one year with the colors and two years with the reserve in lieu of three years with the colors and four years with the reserve. I merely wished to explain that.

Mr. DENT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Pay of enlisted men of the Enlisted Reserve Corps, \$100,000.

Mr. SANFORD. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. To which paragraph does the gentleman refer?

Mr. SANFORD. The one just read, providing for the pay of enlisted men of the National Guard, \$10,000,000.

Mr. KAHN. That has not been read.

Mr. SANFORD. I think the Clerk just read it.

The CHAIRMAN. The Clerk informs the Chair that he has not.

The Clerk read as follows:

Pay of enlisted men, National Guard, \$10,000,000.

Mr. SANFORD. Mr. Chairman, I make the point of order.

The CHAIRMAN. To what does the gentleman direct his point of order?

Mr. SANFORD. To pay of enlisted men of the National Guard, \$10,000,000. I make the point of order on that item for the reason I would now like to indicate to the Chair. The Constitution itself clearly provides in express terms what jurisdiction Congress has in reference to pay for the national defense. The Constitution expressly provides that Congress may provide for the raising and "support" or armies. In relation to the militia it provides that we may provide for the "organizing," "disciplining," and "arming" of the militia, and the National Guard is clearly a portion of the militia. The national-defense act, section 67, provides:

A sum of money shall hereafter be appropriated annually to be paid out of any money in the Treasury for the support of the National Guard.

Now, while the bill was pending the gentleman from Virginia, the chairman of the committee, introduced several amendments providing for striking out the word "provide" wherever it was used in connection with the National Guard and inserting the word "support" in its place, showing explicitly that it was

the purpose of the committee intentionally to use the word "support" in reference to the National Guard. In another portion of the same act, section 57, it provides that the National Guard is "militia." Well, it is not militia, of course, in the same sense in which the word "militia" has been used in this country nor in the sense in which the word "militia" was used at the time that word was used in the Constitution. The defense of the country by citizen soldiers was of universal application. It was the duty of every citizen to train himself and to be organized and to be disciplined in the defense of his country. That was an obligation which every American under the law between the ages of 18 and 45 recognized. By this act for the first time in the history of this country Congress has attempted to pay an American for training himself in time of peace in the State at a time when he is not in any way in the service of the Federal Government and to pay him for keeping ready to defend his country in case of need. The national-defense act, in so far as it provides for the payment of some citizens who are a branch of the militia, is clearly contrary to the Constitution and, so far as I can see, is a direct violation of the express provisions of the Constitution.

Mr. McKELLAR. Will the gentleman yield?

Mr. SANFORD. I will.

Mr. McKELLAR. Then is it the gentleman's purpose to have us as Congress declare that the national-defense act of 1916, so far as it referred to the National Guard, is unconstitutional? Is that the gentleman's idea?

Mr. SANFORD. I have two purposes. One is to raise the question and show to the Congress that it is absolutely providing unconstitutionally for the National Guard and also to emphasize the fact that some men seem to have overlooked that the Congress has taken the position that the only way to raise an army is to pay the citizens for training in the States in time of peace. I would like to emphasize it because I think it is ridiculous. I think the National Guard think it is ridiculous. I think they feel insulted by it; I know many of them do.

Mr. McKELLAR. But the effect of the gentleman's argument is that he is calling upon the chairman of this committee to hold that this act is unconstitutional?

Mr. SANFORD. It is so clearly unconstitutional when you look at the manner in which this bill is drawn that I think that if the Chair thinks it is unconstitutional, and if the Chair feels that he must be bound by the Constitution, he will be bound to hold it is unconstitutional.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SANFORD. I will.

Mr. GREENE of Vermont. The gentleman's second proposition simply runs to the merits of the proposition and not to the parliamentary status?

Mr. SANFORD. That is probably so. My purpose in making the point of order is to show that the item is unconstitutional.

Mr. GREENE of Vermont. I mean the second part of the gentleman's argument—that is, to say it is a reflection on the National Guard to pay its members for their services?

Mr. SANFORD. That is merely argumentative.

Mr. GREENE of Vermont. It has no relation to the parliamentary status?

Mr. SANFORD. Not at all. I would like to ask the gentleman if he considers the National Guard is now American militia?

Mr. GREENE of Vermont. I have not undertaken to get at any definition beyond that contained in the national-defense act, and I was nearly out of breath when we arrived at that.

Mr. SANFORD. It is very clear that the word "militia," as used in the national-defense act, is not at all the militia as provided for in the Constitution.

The CHAIRMAN. Is it the contention that the gentleman from New York puts up to the Chair for decision that this payment is in conformity with an existing statute of the Congress of the United States, but that that statute is not constitutional?

Mr. SANFORD. That is my point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SANFORD. I supposed the Chair would do so, but I wanted to emphasize the point just the same.

Mr. DENT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 9, page 12, insert:

"Provided, That the provisions in the act of August 29, 1916, as amended by the act of September 8, 1916, providing support for the dependents of enlisted men in the Regular Army and National Guard shall not apply to applications for such support which are not received in the office of the depot quartermaster at Washington, D. C., on or before the 1st day of April, 1917."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. DENT. Mr. Chairman, of course that provision is subject to a point of order. I intended to offer it under the "pay of line of the Army." It is subject to a point of order anywhere. It is new legislation, but it is recommended emphatically by the Secretary of War and has been adopted by the committee as a committee amendment. This is what the Secretary says:

WAR DEPARTMENT,
Washington, February 17, 1917.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

MY DEAR MR. CHAIRMAN:

1. The act approved August 29, 1916 (39 Stat., 649), and amended by act of September 8, 1916 (39 Stat., 801), made provision for dependent families of enlisted men of the National Guard and Regular Army, and under these acts there has been appropriated to this time \$6,250,000.

2. The number of applications for aid to this date is 20,027, and the amount paid is \$3,663,696.75. The average amount paid on each application is \$183.

The number of men in service in the Regular Army and National Guard during the mobilization was, in round numbers, 240,000. A conservative number of those eligible to designate beneficiaries is 120,000, or 50 per cent of the strength mobilized. If this number actually make application, and the average of \$183 is maintained, there would eventually be obligations amounting to \$21,960,000.

3. Applications for aid are coming in at the rate of 120 a day. Without some restrictive legislation, such as a time limit after which applications are barred, this law promises to require continuing appropriations for years to come, whereas it may be presumed to have been the intent of Congress to extend the aid only because the wage earner was absent in the Federal service. All but about 44,000 of the men of the National Guard have been mustered out or are at home for muster out, or under orders to proceed home for that purpose, and hence are present with their families again, or soon will be.

4. It is therefore recommended that a time limit be provided sufficiently far in the future to allow of the presentation of all just claims, and for this purpose the following proviso is suggested for insertion in the Army appropriation bill now under consideration in the House of Representatives:

Now, the Secretary of War did suggest that that time limit be extended until the 30th day of next June, but the committee thought that as long as an order had been issued for all the National Guard to be returned from the border right away, the 1st day of April would give everybody ample time within which to make claims.

Mr. MANN. These claims that are now being filed, under the gentleman's statement, are for back pay, as it were?

Mr. DENT. Yes, sir; for back pay, as I understand.

Mr. MANN. Of course, the gentleman knows, to begin with, and every other Member of the House knows, that there never has been an instance where Congress has provided a limitation of time in which to file claims of that sort, that it has not been extended repeatedly, and then again, and then again, and then again, when there was any necessity for it. But what will happen if the National Guard is called out in the present emergency? Will this existing law apply to that?

Mr. DENT. Would the present law apply if there was another call?

Mr. MANN. Yes.

Mr. DENT. I really could not answer that positively, but my recollection of the law is that it was intended for that particular emergency.

Mr. MANN. I know what it was intended for, but I do not know how it reads.

Mr. DENT. I do not find it here. That was a separate resolution.

Mr. MANN. The gentleman from California [Mr. KAHN] has furnished me the appropriation act. That, however, does not cover the case. But if it did cover the case, it would apply between now and the 30th of next June to National Guardsmen who were called out hereafter. The gentleman would repeal by implication the provision in the Army act in reference to the appropriation of \$2,000,000. Of course, we passed an act by itself, but the provision in the Army act is:

That the sum of \$2,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or during his enlistment period in the Regular Army at the time of such call or draft of the Organized Militia or National Guard, the family of each enlisted man of the Organized Militia or National Guard called or drafted into the service of the United States until his discharge from such service, and the family of each enlisted man of the Regular Army until his discharge from active service therein or until the discharge of the Organized Militia or National Guard from such a service if such enlisted man is at that time in active service in the Regular Army, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family.

Now, it is not improbable that Congress within the next week or 10 days may authorize the President to call the National Guard into service again. And if we do, and he calls the National Guard into service again, and they admit married men into the service, or men supporting families, why should they not have the same benefit of a provision like this as the men who went to the Mexican border?

Mr. DENT. I think they ought. But I will call the attention of the gentleman from Illinois to this fact: I confess I do not remember whether that resolution, which was an independent resolution, was permanent law or whether it was intended to limit it to the Mexican situation. But I wanted to say this: It has been construed by the War Department to have been limited to the situation down on the Mexican border, as there were no estimates submitted to the Committee on Military Affairs for the continuation of this appropriation.

Mr. McKELLAR. If the gentleman will yield, I have the law here, and will read it, if you would like.

Mr. MANN. I have just read that. That is a mere appropriation.

Mr. McKELLAR. That is the condition.

Mr. MANN. We passed a separate act, first carrying a certain appropriation, but not sufficient. Then this was included afterwards in the appropriation act, appropriating \$2,000,000. Everybody was in favor of it at the time.

Mr. DENT. I believe everybody voted for it, but whether they were in favor of it I do not know.

Mr. MANN. Nobody expressed his dissent.

Mr. QUIN. But the Senate put on the provision making it apply to the Regular Army men. Not everybody in the House approved of it.

Mr. MANN. That is not in the law, so that that has nothing to do with the case.

Mr. McKELLAR. Yes; that is in the law—in the statute.

Mr. MANN. Then we must have approved of it.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. McKENZIE. Do you not think it safe to assume that if the National Guard would be called into the service again they would not be called in prior to the calling of Congress in extra session?

Mr. MANN. Oh no. I think it is safe to assume in every probability—I do not know whether it will be done or not—that we will be asked to give the President certain power, and Congress is likely to give the President certain power without the President's calling Congress into extra session, and that may include the calling out of the National Guard.

Mr. GORDON. Mr. Chairman, will the gentleman yield? Is it the understanding of the gentleman from Illinois that Congress must confer authority on the President to call out the National Guard before he can call them out?

Mr. MANN. That depends upon what the President does. In case of war I believe he can call them out.

Mr. GORDON. He called them before without any action of Congress.

Mr. MANN. The gentleman is mistaken. We passed a resolution before.

Mr. GORDON. That was after they were called out.

Mr. MANN. No; that was before.

Mr. DENT. Mr. Chairman, this amendment is subject to a point of order. The question is whether we should put a time limit on the existing situation, so that the War Department will know exactly when claims of this kind are going to end.

Mr. KAHN. Mr. Chairman, I have the provision here under the act of September 8, 1916, which reads:

The sum of \$2,000,000, therein appropriated to be expended under the direction of the Secretary of War for the support of the family of each enlisted man of the Organized Militia or National Guard or of the Regular Army, as therein provided, shall be available to be paid on the basis of and for time subsequent to June 18, 1916, the date of the call by the President, and the time for which such payment shall be made shall correspond with the time of service of the enlisted man, and payment shall be made without reference to the enlisted man having enlisted before or after the call by the President.

Mr. GREENE of Vermont. If the gentleman will permit, that is the act of September 8, amending the act of August 29.

Mr. KAHN. Yes.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. JAMES. Would not the effect of the gentleman's amendment be to place a time limit on the National Guard but not on the Regular Army?

Mr. DENT. It would place a time limit on both. I understand the point of order has not been made.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Pay of enlisted men, \$383,760.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Vermont moves to strike out the last word.

Mr. GREENE of Vermont. I do so, Mr. Chairman, if the House will indulge me for a moment, just to call attention to a situation which has been presented in the discussion of the amendment proposed by the chairman and just ruled out of order. If time at this short session of Congress had permitted, I would have been glad to propose to the House some plan for a revision of the Army pay table, something along the line that is now employed in Great Britain and in Canada, where what is called "a separation allowance" in case of war is a part of the contractual basic pay of the soldier.

It seems to me it is time for us, in the consideration of our Army pay table and the propositions that are made to raise it, at least to take into consideration the wisdom of preparing in time of peace, when there is no stress, no sentimentalism, and no emotionalism in the air more or less to influence men's feelings in the consideration of such a matter, an allowance to go to the dependent families, under certain restrictions, of soldiers enlisting whenever they are brought into active service in time of war. This would be an automatic provision, and would be scaled according to certain details which have been well worked out in the British system, and would then meet just exactly the situation that now confronts this Congress.

When the soldier signs his enlistment contract he would do so with the understanding that as a part of the contract and as a part of the emoluments was the expectation that if he was called into service under certain conditions this settlement of allowance for the support of his family would automatically take effect, and that under all other conditions it would be of no effect whatever. That would do away with a great deal of the investigation and the inquiry that are being held now to adjudicate each separate case, and it would put out of expectancy the situation that we now find ourselves confronted with, because the rights of those entitled to this allowance would all be set out in the original contract and would be of no avail unless that contract were made and fulfilled.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

Five charwomen, at \$240 each per annum, \$1,200; in all, \$114,590.

Mr. DENT. Mr. Chairman, it is not very important, but there is a mistake there. I move to strike out "\$114,590," on line 17, and insert "\$104,590." There is a mistake of \$10,000 on page 13, line 17.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Committee amendment: Page 13, line 17, strike out "\$114,590" and insert "\$104,590."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. I do so for the purpose of asking the chairman whether it was intentional or a mistake in printing the bill that we say "one laborer, at \$720 per annum, \$720," and then repeat, "one laborer, at \$720 per annum, \$720." Was it not the intention to have two laborers at \$720 each per annum? In other words, we take two items to cover the same classification.

Mr. DENT. It really should have been prepared in the way the gentleman suggests, but it means the same thing.

Mr. TILSON. It means the same thing; but in this way, if we had a dozen laborers, it would require a dozen lines, each line appropriating for one laborer.

Mr. DENT. I have no objection to an amendment to consolidate the two.

Mr. STAFFORD. It is clearly an oversight. The fact is that last year one of these laborers received \$660 and you increased his pay to \$720.

Mr. TILSON. We simply raised the \$660 man to \$720, making two in the same class.

Mr. MANN. You raised the \$600 man to \$720 as well as the \$660 man.

Mr. TILSON. We raised the pay of both. That is correct. Mr. Chairman, I move to strike out the words "one laborer, at \$720 per annum" and to amend the next line by making it "two laborers, at \$720 each per annum, \$1,440."

The CHAIRMAN. The gentleman from Connecticut moves that line 13, page 13, be stricken from the bill.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12195. An act to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903;

H. R. 18534. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark.;

H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota; and

H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1792. An act for the relief of settlers on unsurveyed railroad lands;

S. 5716. An act to establish the Mount McKinley National Park in the Territory of Alaska;

S. 7644. An act to create a new division of the northern judicial district of Texas and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes;

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations;

S. 5450. An act to provide for an additional judge in the State of Texas; and

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend line 14, page 13, by striking out the words "1 laborer, at \$720 per annum, \$720," and inserting in lieu thereof "2 laborers, at \$720 per annum each, \$1,440."

The amendment was agreed to.

The Clerk read as follows:

Fifty-nine clerks, at \$1,000 each per annum, \$49,000.

Mr. DENT. Mr. Chairman, I move to amend, in line 2, page 14, by striking out "59" and inserting "49." That is a mistake in the number.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 2, strike out the word "fifty-nine" and insert in lieu thereof "49."

The amendment was agreed to.

The Clerk read as follows:

Thirty-nine messengers, at \$720 each per annum, \$28,080.

Mr. SWIFT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Amendment offered by Mr. SWIFT:

Page 14, line 4, after the figures "\$28,080," insert:

"That hereafter all classified civil-service clerks now of the Quartermaster Corps shall be known as field clerks, Quartermaster Corps; and field clerks, Quartermaster Corps, shall receive the same pay and allow-

ances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps.

"That field clerks, Quartermaster Corps, shall be subject to the Rules and Articles of War."

Mr. DENT. I make a point of order against that amendment.

Mr. SWIFT. Will the gentleman reserve his point of order? Mr. DENT. I reserve the point of order.

Mr. SWIFT. Mr. Chairman, this amendment is proposed in behalf of the classified civil-service clerks in the Quartermaster Corps. There has been no beneficial legislation enacted by Congress for these men since the close of the Civil War, although they are performing in many instances the same duties that so-called quartermaster pay clerks render who are detached from departmental bureaus for field service. The Chief of Staff of the Army, Maj. Gen. Scott, in a memorandum to the Secretary of War, stated as follows:

These clerks are subject to call for duty in the field, such as in second division, at camps and maneuvers during the continuance of outdoor work for troops in the summer. Some must be sent to the Philippines, Hawaii, and Panama. When absent from permanent station these men must make provision at permanent station for those dependent upon them for support. This adds a burden to these clerks which does not fall upon clerks permanently stationed in Washington. This additional burden is uncertain as to amount and as to when it will be placed upon these clerks, so that they can retain their homes for their families at their permanent station, no matter how long their duties require their absence from their permanent station.

The attention of the committee is invited to the following excerpt from General Orders No. 68, War Department, 1904:

The Secretary of War considers that the interests of the service require that employees at large in the War Department must be subject to orders in regard to transfer of station, and a refusal to obey such orders will be deemed a proper and sufficient reason for discharge from the service.

In many instances these classified civil-service clerks, particularly during the last year, have been detached for field service at Plattsburg, N. Y.; on the Mexican border; and with the punitive expedition that went into Mexico. The pay clerks in the Quartermaster Corps, although they entered the department without any examination, are receiving \$250 per annum more than the classified civil-service clerks performing the same service. Moreover, the civil-service clerks are subject to all the rigors and privations of camp life, laboring every day in the year without extra compensation for overtime, or reimbursement for extra expenditures, such as car fare and other incidental expenses. I believe it is only an act of human justice that they should receive the same compensation as men who are performing similar services in offices equipped with modern improvements, whereas the clerks to whom I refer are subjected in many instances to all the conditions of camp life. The matter was presented to the committee, but did not receive favorable consideration. I am convinced that these men should receive this additional rating and increased compensation, and I hope the gentleman from Alabama will withdraw his point of order.

Mr. DENT. Mr. Chairman, the committee have considered this matter, and I will have to insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of officers of the General Staff Corps, \$132,600.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word, for the purpose of inserting in the RECORD a statement from the office of the Chief of Staff showing the number of staff officers who composed the General Staff of the Army under date of February 15, 1917. I do this because Congress and the Military Committee have been charged with dereliction of duty by the Chicago Tribune and other newspapers, charged with withholding from the War Department authority to constitute such a General Staff as it ought to have. The statement which I ask to print in the RECORD shows that the number of officers of the General Staff at present consists of 43 members, while the national-defense act, in section 47, authorizes the appointment of 55 members of the General Staff; so after eight months of authority under this act they are yet 12 officers short of the number authorized, showing that there is no foundation whatever for the charge that Congress and the Military Affairs Committee have been derelict in their duty in conferring sufficient authority upon the Secretary of War. If the General Staff is not as large as it ought to be, it is the fault of some one else than the Committee on Military Affairs or the Congress itself.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to print in the RECORD the statement to which he refers. Is there objection?

There was no objection.

The statement is as follows:

List of officers of the General Staff Corps.

| Names. | On duty in Washington. | | | | On duty elsewhere— Station. | Manchu or date of expiration of detail. |
|---|------------------------|--------------|-------------------------------|---------------------|---|--|
| | Room. | Phone. | Residence. | Residence phone. | | |
| Maj. Gen. Hugh L. Scott, Chief of Staff..... | 224 War Department. | 77 | Fort Myer, Va..... | W. 948..... | ..... | Sept. 22, 1917 |
| Maj. Gen. Tasker H. Bliss, Assistant to the Chief of Staff..... | 220 War Department. | 71 | 1715 I Street..... | M. 6917..... | ..... | Dec. 31, 1917 |
| Brig. Gen. Joseph E. Kuhn, president Army War College..... | War College..... | ..... | ..... | ..... | ..... | ..... |
| Maj. Gen. Erasmus M. Weaver, Chief of Coast Artillery, additional member General Staff Corps..... | 225 War Department. | 88 | The Farragut..... | M. 2651..... | ..... | May 23, 1918 |
| Brig. Gen. William A. Mann, Chief of Militia Bureau, ex officio member General Staff Corps. | 445 War Department. | 181 | 1888 Columbia Road..... | ..... | ..... | July 31, 1918 |
| COLONELS (5). | | | | | | |
| George T. Bartlett, Coast Artillery Corps..... | ..... | ..... | ..... | ..... | Chief of Staff, Eastern Department..... | May 26, 1920 |
| Chase W. Kennedy, Infantry..... | War College..... | War College. | 1644 Twenty-first Street..... | N. 7552..... | Chief of Staff, Philippine Department..... | May 5, 1917 |
| Ernest Hinds, Field Artillery..... | ..... | ..... | ..... | ..... | ..... | Sept. 17, 1917 |
| William H. Johnston, Infantry..... | War College..... | War College. | 2337 Ashmead Place..... | N. 7374..... | Southern Department..... | July 24, 1918 |
| William F. Martin, Infantry..... | ..... | ..... | ..... | ..... | ..... | (2) |
| Robert E. L. Michle, Cavalry..... | 218 War Department. | 39 | 1725 H Street..... | M. 8332..... | ..... | Mar. 10, 1918 |
| Malvern-Hill Barnum, Cavalry..... | ..... | ..... | ..... | ..... | Chief of Staff, Southern Department..... | (1) |
| P. D. Lochridge, Cavalry..... | War College..... | War College. | The Farragut..... | M. 2651..... | ..... | Nov. 27, 1917 |
| George B. Duncan, Infantry..... | 218 War Department. | 189 | 1228 Seventeenth Street..... | N. 8218..... | ..... | Aug. 16, 1918 |
| LIEUTENANT COLONELS (7). | | | | | | |
| Frank W. Coe, Coast Artillery Corps..... | ..... | ..... | ..... | ..... | Chief of Staff, Western De- partment..... | June 13, 1920 |
| James W. McAndrew, Infantry..... | ..... | ..... | ..... | ..... | Fort Leavenworth..... | Aug. 19, 1920 |
| Munroe McFarland, Infantry..... | ..... | ..... | ..... | ..... | Southern Department..... | Feb. 20, 1917 |
| William S. Graves, Infantry (secretary General Staff Corps)..... | 222 War Department. | 183 | The Westmoreland..... | N. 4131..... | ..... | July 15, 1918 |
| Robert E. Callan, Coast Artillery Corps..... | ..... | ..... | ..... | ..... | Philippine Department..... | June 20, 1919 |
| Robert L. Howze, Cavalry..... | ..... | ..... | ..... | ..... | Southern Department..... | Nov. 4, 1919 |
| Francis E. Lacey, jr., Infantry..... | ..... | ..... | ..... | ..... | Chief of Staff, Hawaiian De- partment..... | ..... |
| MAJORS (13). | | | | | | |
| Andrew Moses, Coast Artillery Corps..... | War College..... | War College. | The Toronto..... | N. 106..... | ..... | Aug. 10, 1918 |
| George A. Nugent, Coast Artillery Corps..... | ..... | ..... | ..... | ..... | Southern Department..... | June 5, 1919 |
| Palmer E. Pierce, Infantry..... | War College..... | War College. | 4001 Woodley Road..... | C. 809..... | ..... | Apr. 28, 1919 |
| Ralph H. Van Deman, Infantry..... | do..... | do..... | The Beacon..... | C. 424..... | ..... | Apr. 8, 1918 |
| John McA. Palmer, Infantry..... | do..... | do..... | 1925 S Street..... | N. 8524..... | ..... | Nov. 4, 1919 |
| Douglas MacArthur, Corps of Engineers..... | 218 War Department. | 30 | The Ontario..... | C. 800..... | ..... | ..... |
| Frank S. Cocheu, Infantry..... | 222 War Department. | 183 | The Woodley..... | C. 5785..... | ..... | July 4, 1918 |
| Oliver Edwards, Infantry..... | ..... | ..... | ..... | ..... | Southern Department..... | Aug. 11, 1919 |
| Briant H. Wells, Infantry..... | ..... | ..... | ..... | ..... | do..... | Jan. 21, 1920 |
| Walter C. Babcock, Cavalry..... | ..... | ..... | ..... | ..... | do..... | Dec. 21, 1917 |
| Francis Le J. Parker, Cavalry..... | ..... | ..... | ..... | ..... | Roumania..... | July 16, 1919 |
| Dennis E. Nolan, Infantry..... | 218 War Department. | 30 | The Dupont..... | N. 2288..... | ..... | Mar. 22, 1919 |
| Charles E. Kilbourne, Coast Artillery Corps..... | ..... | ..... | ..... | ..... | Headquarters Eastern De- partment..... | Apr. 11, 1918 |
| Dan T. Moore, Field Artillery..... | War College..... | War College. | Army and Navy Club..... | M. 8400..... | ..... | Oct. 5, 1918 |
| John J. Kingman, Corps of Engineers..... | do..... | do..... | Fort Myer, Va..... | W. 695..... | Roumania..... | Dec. 13, 1919 |
| Monroe C. Kerth, Infantry..... | ..... | ..... | ..... | ..... | ..... | Oct. 31, 1919 |
| CAPTAINS (13). | | | | | | |
| Tenney Ross, Infantry..... | War College..... | War College. | The Dresden..... | N. 3593..... | ..... | Aug. 6, 1918 |
| William H. Raymond, Coast Artillery Corps..... | ..... | ..... | ..... | ..... | Southern Department..... | Mar. 1, 1918 |
| Harry N. Cootes, Cavalry..... | 223 War Department. | 77 | 1226 Seventeenth Street..... | N. 5975..... | ..... | July 12, 1919 |
| Henry C. Merriam, Coast Artillery Corps..... | ..... | ..... | ..... | ..... | Assistant Chief of Staff, Hawaiian Department..... | ..... |
| Alexander B. Cox, Cavalry..... | ..... | ..... | ..... | ..... | Southern Department..... | ..... |
| Daniel F. Craig, Field Artillery..... | ..... | ..... | ..... | ..... | do..... | ..... |

¹Manchu.

Mr. SHALLENBERGER. It will be seen from the above table that 22 officers are serving in Washington and 21 in other departments of the country, making a total of 43 officers, or in all, 12 less than are authorized by the national-defense act. The defense act would allow 6 more staff officers at Washington than were serving at the Capital on February 15. The Military Committee has amended that act in the present bill so as to permit 55 staff officers to be assembled at Washington at any time the Secretary of War so desires.

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Army appropriation bill, H. R. 20783, and had come to no resolution thereon.

POST OFFICE APPROPRIATIONS.

Mr. MOON. Mr. Speaker, in order to expedite the business of the House I desire to submit a request for unanimous consent that the Post Office appropriation bill, H. R. 19410, be taken from the Speaker's table and that the amendments of the Senate, all except Nos. 15, 19, 30, 32, 33, and 34, be disagreed to.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the Post Office appropriation bill and to disagree to all the Senate amendments except 15, 19, 30, 32, 33, and 34. Is there objection?

There was no objection.

Mr. MANN. May I ask the gentleman from Tennessee, assuming that he is not going ahead just now, when does he expect to call up the rest of the amendments for disposition?

Mr. MOON. I will give notice now that I will ask the House to take up these amendments for a vote immediately after reading the Journal to-morrow.

The SPEAKER. The gentleman from Tennessee gives notice that to-morrow immediately after reading the Journal and the clearing up of matters on the Speaker's table he will call up this appropriation bill.

ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The Clerk read as follows:

For pay of officers of the Ordnance Department, \$289,300.

Mr. DENT. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, on page 15, between lines 10 and 11, by inserting the following: *Provided*, That section 24 of the national-defense act of June 3, 1916, be so amended as to authorize the President to organize immediately the whole of the increase in the Ordnance Department authorized by section 12 of said act, or such part thereof as he may deem necessary.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I think this needs some explanation.

Mr. DENT. This is requested by the Secretary of War and urgently requested by the Chief of Ordnance, because they say that that particular department is short of men, and the committee thought that so far as the Ordnance Department is concerned it ought to have the benefit of this amendment. They will obtain as I recollect it 108 officers immediately, and they already have 93 officers authorized.

Mr. STAFFORD. Is that the entire additional force that the amendment will provide?

Mr. DENT. Gen. Sharpe, on page 63 of the hearings, says that that provides for an increase of 23 officers. There were 85 last year and there are 108 this year. He was asked by the gentleman from California if there was a likelihood of their getting all the officers they were entitled to next year, and Gen. Sharpe replied that he should think so if they secured them all for this year.

Mr. STAFFORD. This amendment excepts the Ordnance Bureau from the proviso that was previously agreed to for the pay of officers.

Mr. DENT. This amendment excepts that; yes.

Mr. KAHN. This proviso allows the Ordnance Department to appoint all the officers that that department is entitled to without regard to the provision in the national-defense act providing for the increment.

Mr. DENT. Yes; and what the gentleman from Wisconsin states is true, that this proviso excepts that department from the provision that we then adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The Clerk read as follows:

For pay of officers of the Medical Department, \$2,225,000.

Mr. SEARS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Provided, That in increasing the Medical Corps of the Army, as provided in the national-defense act approved June 3, 1916, the officers of the Medical Reserve Corps on active duty, irrespective of age, and subject to the approval of the Surgeon General and the physical examination now required by law, whose services have been satisfactory and who have been in the military service for at least 12 years, including contract service, volunteer service, Medical Reserve Corps service, and enlisted service, shall be, and are hereby, transferred to the Medical Corps of the Army, with the rank of first lieutenant, to take relative rank in accordance with the length of their respective services, next below all first lieutenants, Medical Corps, holding that grade at the time of the passage of this act: *And provided further*, That any first lieutenant, Medical Reserve Corps, who does not receive the approval of the Surgeon General for transfer to the Medical Corps of the Army or who is found physically unfit as provided by law shall be retired with the rank and allowances of a first lieutenant, Medical Corps, United States Army.

Mr. DENT. Mr. Chairman, I reserve a point of order on that.

Mr. SEARS. Mr. Chairman, I trust the chairman will not insist on his point of order. This amendment seeks only to provide for the Medical Reserve Corps. As I understand it, these physicians have given, in a great many cases, their services for more than 12 years, as provided for by a former act passed by Congress. Unless in this bill they are taken care of, after giving the best years of their life to the Government, they will go out of existence, as the law above referred to only provides for them until next July. They are only asking the same recognition that Congress has given the dentists and veterinarians. I

have no criticism to make of Congress for their action in relation to those other gentlemen in said mentioned professions who have served the Government, but it does seem to me that when a physician has given to the country 12 years of his life in the medical-reserve department that if the Medical Corps is increased it should be increased from the said Medical Reserve Corps. I would like to have the chairman give me his attention. I realize that this is not a \$10,000,000 appropriation, but I realize also that if a man has worked for the Government 12 years in the military service, taking care of the health of the Army, he should be given some recognition.

Mr. McKENZIE. Will the gentleman yield?

Mr. SEARS. Yes.

Mr. McKENZIE. I could not hear the reading of the amendment; but does the gentleman refer to contract surgeons?

Mr. SEARS. I will explain that. If the amendment is adopted it is subject to the approval of the Surgeon General, and unless the Surgeon General approves same not a single one of the men in the Medical Reserve Corps can come into the service. In addition, even though they have given 12 years of their life to the service, they must stand a physical examination before they can be taken into the service. There is no need of my taking up more of your time if the chairman is going to insist on the point of order; but I do say these men should receive some consideration at the hands of this committee.

Mr. DENT. Mr. Chairman, I insist on the point of order.

The CHAIRMAN (Mr. CRISP). The Chair sustains the point of order.

The Clerk read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list, \$2,700,000: *Provided*, That assignments which have been or may hereafter be made of retired officers of the Army to active duty as acting quartermasters shall be regarded as assignments to staff duties not involving service with troops within the meaning of the act of Congress approved April 23, 1904.

Mr. SEARS. Mr. Speaker, I move to strike out the last word. A few days ago I called the attention of the House to the fact that we were paying 900 retired naval officers the sum of \$2,940,368.72, and in this present bill there is provided for pay of retired Army officers the sum of \$2,700,000. I was struck a few days ago, in listening to an argument of one of my colleagues, I forget whether upon this side of the House or the other, and it is immaterial, with the statement that Army officers sufficient to train enlisted men could not be found. When I call to the attention of the House and the country the fact that you are paying now \$2,700,000 to 1,017 retired Army officers for which nothing in return is given to the Government, or the people, it seems to me that some change should be made, and also that it will be hard to convince the people that there is a scarcity of officers. It will certainly be a hard job to explain to your constituents why there is any scarcity of officers. There are only about four or five thousand officers in the Army for 98,000 men, and yet we have 1,017 retired Army officers. Last year there were 36 officers retired from the Regular service. I am not criticizing this committee when I call attention to these facts, because I realize they have worked hard and have attempted to do what they thought was best, and will do what they think is best. My sole desire is that at the next session of Congress they may look into this matter and see if it is fair to pay to 1,017 retired Army officers about one-eighth as much as it takes to pay for the entire standing Army of the United States when it comes to enlisted men.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. KAHN. Does the gentleman understand that the Military Committee has nothing to do but to appropriate the money, because it is existing law that provides for the appropriation?

Mr. SEARS. My amendment having just been stricken out on a point of order, I realize that to the fullest extent.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SEARS. In just one moment. But the committee might look into the matter and report a clause in the bill which would stand if some Member did not object, as some one did here a few moments ago when he raised the point of order. I yield to the gentleman from Illinois.

Mr. MANN. In reference to the Military Committee, and without any reflection upon them, does the gentleman not understand that last year, in the current Army appropriation bill, the committee permitted to go into the law four cases where retirement was given purely as a matter of privilege—special preference outside of the law?

Mr. SEARS. I remember that, and I objected to it then, and it is what I object to now.

Mr. KAHN. It was put on in the Senate.

Mr. MANN. And agreed to by the conferees of the House.

Mr. ANTHONY. Why did not the gentleman, with his watchful eye, strike that out?

Mr. MANN. I did my best; but I was not upon the Military Committee, nor was I one of the conferees.

Mr. KAHN. The conferees on the part of the House did everything they could to prevent it.

Mr. MANN. Oh, everyone knows that when an amendment of that kind is inserted in the Senate all the House has to do is to say nay, nay, and it is nay, nay.

Mr. KAHN. The House conferees did say nay, nay.

Mr. SEARS. Mr. Chairman, as I said a few moments ago, I do not believe the people of the country know that they are paying nearly \$6,000,000 a year to less than 2,000 retired Army and Navy officers.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. ANTHONY. I just want to call the gentleman's attention to the fact that his position is not consistent. Most of the men alluded to upon the retired list are men put there on account of 30 years' service. The gentleman's amendment proposed to put civil employees upon the retired list with 12 years' service.

Mr. SEARS. Provided they could stand the physical examination and give to the Government full service, but I am told—I do not know whether it is true or not—that men under 45 years of age are placed on the retired list because they are temperamentally unfit to serve in the Army.

Besides, Mr. Chairman, the gentleman evidently misunderstood my amendment. It was not intended to place men on the retired list, but was intended to keep them in the service; provided, of course, they could stand the physical examination. By raising the point of order, which I admit was well taken, you have, as I understand it, made it impossible for the Medical Reserve Corps to remain in the service longer than next July, and regardless of the number of years they have served the Government, they must retire. And, Mr. Chairman, they must retire, however meritorious their services may have been, regardless of however anxious they may be to remain in the service, and this without any future consideration from the Government.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word in order to get some information. What is the reason these retired officers can not be put to drilling the boys of the country?

Mr. DENT. Under the law as I understand it they can not be required to do anything unless they are willing to do it, but there are a great many of them who are willing to do it, and a great many of them have been used for various purposes connected with the Military Establishment.

Mr. CLARK of Missouri. Everybody wants to see a sufficient number of boys drilled, and 2,000 of these officers ought to be able to drill a great many of them. I inquired into it once as much as I could, and I obtained this strange answer, that the young fellows did not like to have these retired officers made commandants at the various schools because most of them were old and their habits were fixed and they were crabbed with the boys, and so forth. But it looks to me as though the law ought to be changed so that the President of the United States could assign one of these retired officers to any school in the country.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. SHALLENBERGER. I have prepared here for the information of the House, and I expect to insert it in the Record, a list of 35 retired Army officers who are serving right along as the gentleman from Missouri [Mr. CLARK] has indicated they should do. One of them, for instance, named John Quincy Adams, is 73 years old, and he is serving as an instructor at the military school at Culver, Ind., one of the best in the country.

Mr. CLARK of Missouri. He is a good man.

Mr. KEATING. Does he receive any extra compensation for his services?

Mr. SHALLENBERGER. Under the national-defense act there is a provision that where these men were serving on active duty they should be allowed credit for that active duty, so that they have received additional compensation and have been promoted, because under that act they receive credit for it the same as if they were actually officers on the active list.

Mr. KEATING. Was this man of 73 years of age receiving full pay?

Mr. SHALLENBERGER. Full pay, and, added to the service he had in the line of the Army, he has been given credit for the time he has served on active duty under this bill.

Mr. CLARK of Missouri. It seems to me it would be the cheapest and most efficacious way to get a large number of boys

drilled, so they could become lieutenants, captains, majors, colonels, or something of the sort when they were needed.

Mr. McKELLAR. Does the gentleman take into consideration this? These men are old men. It has been a long time since they were drilled in the kind of drill necessary for young students at college or young men to be trained in the Army.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last three words for the purpose of extending my remarks in the Record by inserting three tables showing the list of retired Army officers that have been returned to the service and have been promoted under the act of June 3, 1916.

Mr. FIELDS. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. FIELDS. I think the law ought to be changed. Many of these men are as useful now as they ever were in their lives. One was in my office yesterday afternoon, and he is strong, active, and vigorous. He has been connected since he retired about 15 months ago with the public-health board of my State, and he has been doing very excellent service there, and the retirement of a man of that class, possessing the ability this man does, is simply extravagance—a waste.

Mr. FESS. Mr. Chairman, I think the Speaker raised a very important question, and I would like to add this testimony. In the Ohio Northern University we had a retired officer, and the commandant's work has been very exceptionally effective and very satisfactory, and I do not see why retired officers could not be made very effective in connection with our various schools, as provided by the act we passed last year or last fall.

Mr. SHALLENBERGER. I will say for the information of the gentleman the committee had that very idea when they added these provisions which have been referred to. Now, all of these 35 men I have referred to as promoted are serving their country voluntarily. There is nothing under the law that compels a retired officer to come back into the service, but they voluntarily did so, and in order to induce men to come back the law provides they should receive the same pay they would receive in active service.

The present law provides that in the matter of promotion they should receive credit for the time on active duty. The national-defense act provides that a man who has been retired for disability and who has recovered, been examined, and found efficient can be put back upon the active list. We have had several men to come in under that provision. That is a different provision from the one that allows them to come back voluntarily. These men go upon the active list. But the 35 in the list I have inserted have come back voluntarily and are performing the duty which the Speaker thinks these retired officers ought to do.

Mr. FIELDS. Our retired officers can be made very effective.

Mr. SHALLENBERGER. Yes; and save the services of younger and more efficient men for active service in the Army.

Mr. SEARS. I will state the latest list I have got is this. Are these 35 in addition to the 1,017 to which I referred?

Mr. SHALLENBERGER. Yes; these men are still on the retired list, except those actually returned to the active list.

Mr. SEARS. One other question. Does this list give the date of the retirement of each officer?

Mr. SHALLENBERGER. Yes; it does.

Mr. GORDON. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GORDON. All this legislation the gentleman referred to fails to reach the real point if there is no authority for the President to detail these men, no matter how much their services may be needed. Is there any authority of law?

Mr. SHALLENBERGER. Yes.

Mr. GORDON. On the retired list?

Mr. SHALLENBERGER. To detail them for active service at these institutions where the Secretary of War thinks they can be used, and while they are there serving they are to receive the pay of men upon the active list.

Mr. GORDON. Provided they voluntarily come back into the service? Does not the gentleman think there ought to be some legislation by which the President might order them to duty?

Mr. SHALLENBERGER. There is. We have put legislation in the bill, and now I call attention to the fact that there are men who have come back and have been examined, no man has been compelled to come back, but under the provisions of the defense act in time of war the President has power to bring them in, but not in time of peace.

Mr. GORDON. Does not the gentleman think he ought to have that power in time of peace?

Mr. SHALLENBERGER. I think so myself; yes.

Mr. GORDON. Will the gentleman offer an amendment?

Mr. SHALLENBERGER. That would be new legislation and would go out on a point of order.

Mr. GORDON. It seems to me it would come under the Holman rule.

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

The tables referred to are as follows:

List of officers advanced in grade on the retired list under section 24 of the national defense act approved June 3, 1916.

| Names. | Advanced— | | Date. | Monthly pay prior to advancement. | Monthly pay after advancement. | Age. |
|------------------------------|--------------------|-------------------|---------------|-----------------------------------|--------------------------------|-------|
| | From— | To— | | | | |
| James Ronayne..... | Captain. | Major. | June 3, 1916 | \$280.00 | \$333.33 | 56 |
| John A. Lockwood..... | do. | do. | do. | 280.00 | 333.33 | 61 |
| William E. P. French..... | do. | do. | do. | 280.00 | 333.33 | 62 |
| Solomon F. Vestal..... | do. | do. | do. | 280.00 | 333.33 | 52-9 |
| Hugh La F. Applewhite..... | do. | do. | do. | 280.00 | 325.00 | 42-6 |
| Edward T. Winston..... | do. | do. | do. | 260.00 | 325.00 | 53 |
| Ralph B. Stogdall..... | do. | do. | Oct. 6, 1916 | 290.00 | 325.00 | 47-7 |
| Charles D. Clay..... | do. | do. | June 3, 1916 | 210.00 | 250.00 | 60- |
| Edward O. C. Ord..... | do. | do. | do. | 210.00 | 250.00 | 58-3 |
| Thomas M. Moody..... | do. | do. | do. | 280.00 | 333.33 | 54 |
| Henry W. Stamford..... | do. | do. | Oct. 28, 1916 | 280.00 | 333.33 | 54 |
| Robert L. Hamilton..... | do. | do. | June 3, 1916 | 280.00 | 333.33 | 50 |
| Lewis D. Greene..... | do. | do. | do. | 280.00 | 333.33 | 60-9 |
| Quincy O. M. Gillmore..... | do. | do. | do. | 210.00 | 250.00 | 66-5 |
| William Baird..... | do. | do. | do. | 210.00 | 250.00 | 65-6 |
| Frederick E. Phelps..... | do. | do. | do. | 280.00 | 333.33 | 60-11 |
| John Q. Adams..... | do. | do. | do. | 280.00 | 333.33 | 73-9 |
| George L. Converse..... | do. | do. | do. | 280.00 | 333.33 | 60-2 |
| William Roberts..... | do. | do. | do. | 280.00 | 333.33 | 52-3 |
| Charles H. Cabaniss, jr..... | First lieutenant. | do. | do. | 233.33 | 333.33 | 66-7 |
| Frank L. Graham..... | Captain. | do. | Aug. 24, 1916 | 210.00 | 333.33 | 56-10 |
| Samuel A. Smoke..... | do. | do. | Jan. 26, 1917 | 195.00 | 325.00 | 54 |
| James O. Green..... | First Captain. | do. | June 3, 1916 | 175.00 | 210.00 | 57-9 |
| Melzar C. Richards..... | do. | do. | do. | 233.33 | 280.00 | 61-5 |
| John M. Kelso, jr..... | do. | do. | do. | 183.33 | 220.00 | 42-7 |
| Paul A. Barry..... | do. | do. | do. | 183.33 | 220.00 | 38-10 |
| Franklin R. Kenney..... | do. | do. | do. | 183.33 | 220.00 | 38-8 |
| Charles S. Fowler..... | do. | do. | do. | 175.00 | 210.00 | 64-11 |
| David D. Johnson..... | do. | do. | do. | 175.00 | 210.00 | 71-2 |
| Edgar N. Coffee..... | do. | do. | do. | 150.00 | 240.00 | 47-9 |
| Hugh T. Reed..... | do. | do. | do. | 175.00 | 280.00 | 66-6 |
| Cyrus R. Street..... | Second lieutenant. | First lieutenant. | do. | 118.87 | 137.50 | 37-4 |
| Frank L. Beals..... | do. | do. | do. | 155.83 | 183.33 | 35-5 |
| Charles D. Towsley..... | do. | do. | do. | 148.75 | 175.00 | 57-2 |

List of officers reappointed to the Army under section 24 of the national defense act approved June 3, 1916.

| Names. | Grade to which appointed. | Date of leaving the service. | Date of reappointment. | Prior pay. | Present pay. | Age. |
|---------------------------|---------------------------|------------------------------|------------------------|------------|--------------|-------|
| William A. Phillips..... | Major.... | July 14, 1915 | Dec. 20, 1916 | \$4,000 | \$4,000 | 50-9 |
| Chapman Grant..... | Second lieutenant. | Jan. 20, 1916 | July 12, 1916 | 1,700 | 2,000 | 29-11 |
| Duncan C. Richart..... | do. | June 15, 1914 | Aug. 31, 1916 | 1,870 | 2,200 | 29-2 |
| Wilmot A. Danielson..... | First lieutenant. | Dec. 29, 1913 | June 30, 1916 | 2,200 | 2,200 | 32-7 |
| Clarence E. Bradburn..... | Second lieutenant. | June 14, 1915 | Aug. 17, 1916 | 1,870 | 2,200 | 30 |
| Daniel A. Connor..... | do. | May 1, 1913 | Nov. 2, 1916 | 1,700 | 1,700 | 35-1 |

List of retired officers transferred to the active list under the act of Mar. 4, 1915.

| Names. | Transferred— | | Date. | Prior pay. | Present pay. | Age. |
|-------------------------|--------------------|---------------------|---------------|------------|--------------|------|
| | From— | To— | | | | |
| William O. Owen..... | Major..... | Colonel.... | May 27, 1916 | \$250.00 | \$416.67 | 62-7 |
| Lorenzo P. Davison..... | do. | do. | Aug. 31, 1916 | 250.00 | 416.67 | 57-3 |
| Robert C. Williams..... | Captain..... | Lieutenant colonel. | June 3, 1916 | 195.00 | 375.00 | 53 |
| Harold L. Jackson..... | do. | Major..... | do. | 210.00 | 375.00 | 54-5 |
| Ben H. Dorey..... | do. | Captain..... | do. | 175.00 | 240.00 | 47-3 |
| Jacob Schick..... | First lieutenant. | do. | Aug. 17, 1916 | 150.00 | 240.00 | 39-5 |
| Joseph I. McMullen..... | Second lieutenant. | First lieutenant. | June 3, 1916 | 127.50 | 240.00 | 42-8 |

Mr. REAVIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 16, line 25, after the word "four," strike out the period, insert a colon, and add:

"Provided further, That no part of this appropriation shall be used in payment of salary of any retired officer who is in the employ of any business institution having contractual relations with the United States."

Mr. REAVIS. Mr. Chairman, my purpose in introducing this amendment—

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN (Mr. CRISP). The gentleman will state it.

Mr. CALDWELL. Is that subject to a point of order?

The CHAIRMAN. The Chair thinks it is too late now, anyway. The gentleman from Nebraska [Mr. REAVIS] had commenced his remarks by addressing the committee on the merits of the proposition. But otherwise the Chair thinks it is a limitation that would not be subject to a point of order.

Mr. CALDWELL. If it is subject to a point of order, I desire to make the point of order.

Mr. REAVIS. Mr. Chairman, I have been recognized?

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. REAVIS. My purpose, Mr. Chairman, in introducing this amendment is because a practice has grown up among many of the Army officers which is so pregnant with evil that I believe Congress should give it some attention. I will not undertake to say how many of the retired officers of the United States are in the employ of business institutions having contractual relations with this Government, but I do know that the officers who are so employed have been educated at the expense of the people of this Nation. They have been in the employ of this Nation during the whole of their service, and because of that education and because of the peculiar character of their service they have come into possession of technical knowledge which, in the employ of these business institutions, they are using against the interests of the very Government which gave them the education and which kept them in the service. I have paid a good deal of attention to the hearings before the Committee on Military Affairs, and I found in reading the testimony of these officers, meaning by that not retired officers but those who are still in the service, that whenever a question was put to them touching the feasibility of the United States manufacturing its own munitions and competing with these private institutions, they either declared it was not feasible or they evaded the question. It has been the policy of these officers to gravitate from their employment with this Government into the employ of these private institutions, as the county treasurer in a rural county gravitates to the bank with which he has kept the money.

And I have found this, and you will find it if you look over these hearings, that every one of the officers now in service, or practically all of them, are so hopeful that when the time comes for their retirement they will get employment with these institutions you can get no facts from them with reference to the feasibility of the United States manufacturing munitions in competition with these private institutions.

Now, Mr. Chairman, no man can serve two masters. I believe that so long as these Army officers are holding their office their fealty and their service should be exclusively in the interest of the Government of the United States. I do not believe that we should permit them to hope that, when their term of office expires and they are retired, they can enter the employ of munition works and at the same time draw a large salary from the United States. It is immoral and unwise.

I have heard it stated on this floor that Gen. Humphrey is in the employ of the Du Pont Powder Co. at a time when he is drawing \$8,000 a year from the United States as a retired Army officer, and I have heard read on this floor the contract of the Du Pont Powder Co., whereby they are obligated to advise Germany at all times of the quantity, the quality, and the price of every pound of powder that the Government of the United States purchases of that company, so that Germany is constantly advised as to our powder reserve.

Now, it is scandalous, it is pregnant with evil, that any Army officer, retired though he may be, drawing a large salary from this Government, should be in the employ of such an institution as that. And I believe that this amendment should be adopted in order that they may be prohibited from looking forward to the time when, retired as an Army officer, they may receive employment with these private institutions. If you do remove that hope, you will leave them in a position where they will no longer hesitate in giving testimony before the Committee on Military Affairs on the advisability or the feasibility of the United States manufacturing munitions in its own plants.

Mr. PLATT. We could not prevent their resigning and taking these offices?

Mr. REAVIS. We could not; but I have a picture of an Army officer resigning a \$6,000 job to take employment with these private institutions. If they care to resign and go into the employment of these institutions, I know of no means by which we could prevent it, but I would like to prevent the payment of the salary of retired Army officers amounting to thousands of dollars annually while permitting them to accept employment with an institution that has contractual relations with this Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I rise to oppose the amendment of the gentleman from Nebraska.

Mr. CALDWELL. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. DENT. Mr. Chairman, may I ask unanimous consent that all debate on this amendment offered by the gentleman from Nebraska [Mr. REAVIS] and amendments thereto be concluded in 25 minutes?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the pending amendment and amendments thereto be concluded in 25 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kentucky [Mr. FIELDS] is recognized.

Mr. FIELDS. Mr. Chairman, as I said a moment ago, many of the retired Army officers are as active on retirement and after retirement as at any previous period of their lives. Now, the gentleman referred to the fact that these men might be serving concerns that would give information to Germany. That might be true so long as relations were not broken between this country and Germany. But every man knows that if we should become involved in war with some foreign power that had been buying our information, that information would then and there cease. The business transactions between this Government and that government would then and there cease. Now, what condition have we here?

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Nebraska?

Mr. FIELDS. Not now. Here are men who possess technical knowledge that is valuable in the manufacture of powder, or valuable along certain other lines in which they have been engaged. If this country becomes involved in war with any country it will immediately take over all the private industries of the United States that can be used in the manufacture of ammunition or munitions of war of any kind. Therefore, the excluding of these men from that class of service, causing them to go and engage in other business, in different pursuits, would deprive the private manufacturer of the knowledge which they have acquired and would indirectly deprive the Government of that knowledge in the event that the Government should need to take over the private manufactories in the future.

I see no objection to these men being employed after they have gone on the retired list. First, I believe they are retired too soon. I believe that a man who has been educated by the Government should be maintained by the Government so long as he is useful, but if the Government places him on the retired list when he is still useful, is it right and proper that he should be forced into idleness? And if you are not going to force him into idleness, why force him into some new field with which he is not acquainted, or some new line of business with which he is unfamiliar?

I believe it is a bad business proposition. If war should ever come, this country is interested in the private manufacture of munitions, for without munitions the Army would be in a helpless condition. Therefore if war should come the country is as much interested in the private manufactories as it is in the Government manufactories, and I for one am in favor of lending such encouragement to the private manufacturers of munitions in this country as will keep them going upon a reasonable basis of operation. I am not in favor of driving them out of existence.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for one question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Georgia?

Mr. FIELDS. Yes.

Mr. HOWARD. Does not the gentleman think that the mere fact that these Army officers and naval officers, so far as that is concerned, can go into private employment at fabulous salaries

and still retain three-quarters of their pay from the United States is in itself a great incentive to them for their retirement?

Mr. FIELDS. That may be. I am in favor of limiting retirement.

Mr. GREENE of Vermont. How many officers on the retired list of the United States Army to-day are having such employment as the gentleman mentioned?

Mr. HOWARD. I do not know; but we have as many in such employment probably as in any other employment.

Mr. SHALLENBERGER. Has the gentleman forgotten that we just recently voted into the service of the United States a man who had service with an ammunition factory and has now come back to the service of the Government after that private service had ended? The Congress is now legislating against similar cases in the future.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CALDWELL. Mr. Chairman, one thing was said with reference to this amendment which I think was not entirely accurate. The statement was made by the gentleman from Nebraska [Mr. REAVIS] that the Dupont Powder Co. was under contract to give the secrets of America to the German Government, or something to that effect, if I understood it correctly. If I have not quoted the gentleman correctly, I would like to be set right.

Mr. REAVIS. I said that I had heard it stated on the floor of this House that such a contract was in existence.

Mr. CALDWELL. I want to say that in a trial in the United States Circuit Court in the city of New York that thing was thrashed out, and the evidence showed that instead of the Dupont Powder Works telling the secrets of the United States, or agreeing to tell the secrets of the manufacture of powder in the United States to Germany, as a matter of fact the Dupont Powder Works acquired the secrets of the manufacture of German powder, and in that way brought our art into a higher state of perfection than it ever was. [Applause.]

Now, there is one other thing that I want to say in opposition to this amendment and that is this: That this amendment proposes to take from the retired officer his pay until he quits this employment, which we, by passing statutes in the past, invited him to take. Why? Because it was thought that if our Army officers, in whom we had great confidence and for whom we have great respect and who were educated at our expense, would go into this line of employment, as pointed out by the gentleman from Kentucky [Mr. FIELDS], we would thereby enable them to learn something more than we would be able to teach them, and in the days of stress we could call on these men whose patriotism was not such as could be questioned and use them, as we are about to use of the greatest ordnance officers that this country has ever had. I refer to Col. Dickson.

Mr. DALE of New York. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. DALE of New York. Is it not a fact that representatives of private military academies all over the United States have offered the services of officers of those academies who have had three or four years' experience, boys ranking in age from 18 to 21 years, to do the work that is suggested here in reference to this bill?

Mr. CALDWELL. I do not know anything about that. I could not answer the gentleman's question because I am not familiar with it. But I will take the gentleman's statement that it is so.

Mr. DALE of New York. Will the gentleman yield for another question?

Mr. CALDWELL. Yes.

Mr. DALE of New York. Do I understand that the gentleman from New York is a member of the Military Affairs Committee?

Mr. CALDWELL. Yes.

Mr. DALE of New York. Do I understand that so far as the gentleman knows, no such representative appeared before the Military Affairs Committee, representing the military academies all over the United States, and offering the services of such boys?

Mr. CALDWELL. I think perhaps the gentleman does not apprehend just what is before the committee.

Mr. DALE of New York. Oh, yes; I do.

Mr. CALDWELL. The proposition is to put a provision in this bill to cut off the pay of retired Army officers who seek employment elsewhere. If there has been any such person before our committee, I was not present when he came, and the other members of the committee tell me that no such person appeared before the committee.

Mr. DALE of New York. I wish to state that I am fully familiar with what is before the House at the present time relative to this amendment. For my own personal information I was desirous of receiving from the committee a statement as to whether it was not a fact that representatives of private military academies all over the United States had appeared and offered the services of experienced boys, who were members of these academies, to do the work that is provided for in some part of this bill.

Mr. CALDWELL. I think not. If so, I have not seen any such person.

Mr. TOWNER. Mr. Chairman, I do not think that even long usage can sanction or warrant the continuance of a thing that is inherently wrong. I believe that the statements made in defense of the present practice by members of the committee ignore the fundamental objection, which is this: It is an old principle of the common law that one who is the authorized agent of his principal can not enter into contractual relations with another to his personal advantage in a transaction between the third party and his principal; that such a transaction is a fraud and absolutely void, if challenged by the principal. That doctrine is based upon the idea that no man can serve two masters. A man can not act as the officer or agent of the United States and at the same time act with fidelity to that principal when it engages in transactions with another in whose business the officer is financially interested. That is the difficulty in this case. Although these men are retired officers, they are still serving the Government of the United States. They may under certain circumstances be called into active service. They are receiving pay for such service. They are still the agents of the United States. It can not be said that they are mere pensioners of the Government. It can not be said that because they are not in the field they are not still representatives of the Government. Presumably they are influential in the councils of the Nation. Presumably they are influential in the administration of the Government when it comes to the consideration of military affairs. It is inherently wrong that they should have any financial interest in any concern, in any business, that has an opposite interest from that of the Government. It seems to me this is so plain that this amendment ought not to be opposed by any member of the committee.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. FIELDS. I can not see where there is any conflicting interests between the Government and the manufacturer, so long as the law provides that a certain amount of the supply shall be purchased from private manufacturers. Of course it is optional with the War Department whether it pays the price. In other words, the War Department does not have to pay the price that the private manufacturer makes.

Mr. TOWNER. That can make no difference in the principle involved.

Mr. SHALLENBERGER. Will the gentleman from Iowa yield?

Mr. TOWNER. Yes.

Mr. SHALLENBERGER. I would like to have the gentleman from Kentucky call our attention to that part of the law where the Government is required to buy of the private manufacturer.

Mr. FIELDS. It is provided in the law that not more than a certain proportion shall be purchased by the Government.

Mr. TOWNER. No agent of the United States ought to be allowed to maintain his place as an officer or agent and be financially interested in any business or concern which has contractual relations with the Government. He still owes a supreme, an undivided allegiance to his country.

Mr. McKELLAR. I agree with the gentleman entirely, and is it not unfair to those private manufacturers who do not employ these retired Army officers? Because, as soon as one factory has a retired Army officer working for it, it gives that manufacturer an advantage in dealing with the Government.

Mr. TOWNER. The gentleman is certainly correct.

Mr. FIELDS. If the country becomes involved, we have got to call upon these private manufacturers for their product; then the Government is directly interested in the amount that they produce, is it not?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I am sorry I have not time to answer the gentleman's question.

Mr. GORDON. Mr. Chairman, the gentlemen who have preceded me have convinced me that this amendment ought to be adopted. Some of the gentlemen who have discussed this amendment do not seem to comprehend the scope and meaning of it. It simply prohibits retired Army officers from continuing to draw the three-fourths pay and allowances to which they are entitled under the retirement law after they have engaged them-

selves in the employment of business firms having contractual relations with the Government. The mere statement of the thing ought to show that the amendment ought to be adopted. Now, my observation has not been entirely that of the gentleman from Iowa [Mr. TOWNER], who just spoke of these retired Army officers as being still in the employ and service of the Government. I have never known any of them to give any service to the Government after they retire, unless they were put back at full pay and allowances. That simply calls attention to another error in our legislation here. These gentlemen, many of them, are very strong for compulsory military service. I think we should provide by law that whenever the Government of the United States needs the services of these retired Army officers the President should be authorized, in peace as well as in war, to order them back into the service of the United States at once, regardless of their wishes in the matter, or stop their retired pay and allowances, and not wait until they find they can not make more money elsewhere. The Government educates them, pays them big salaries until they get to be 64, and then they are retired on three-quarters pay and allowances for life. I heartily agree with the gentleman from Nebraska, and believe that the amendment should be adopted.

Mr. PLATT. How large a proportion of the Army officers are West Point graduates? The gentleman says the Government educates these officers.

Mr. GORDON. I understand only about one-half are West Point graduates—that is, of the active officers; I am not advised as to those on the retired list.

Mr. KAHN. About one-fourth.

Mr. PLATT. The Government educates less than half of them.

Mr. GORDON. Does the gentleman think it would be an injustice to have a man who is on the retired list ordered back into the employment of the Government on full pay?

Mr. PLATT. No; I think that might be a good thing, but while the man on the retired list is a pensioner you can not say that the pensioner shall not take any job he can get.

Mr. GORDON. No; but you can say you will cut off his pension.

Mr. SHALLENBERGER. Mr. Chairman, the appropriation bill passed last year contains the following provision:

That the Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from disabilities or to be able to perform service of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of War may approve.

So I think we have the power under the law now.

Mr. FIELDS. But that does not apply to those officers on the retired list who were retired for age.

Mr. SHALLENBERGER. No; it does not apply to them.

Mr. GORDON. It is not broad enough.

Mr. MANN. Mr. Chairman, it does not seem to me that this amendment would be a very wise provision to put into the law. Whatever the reasons may be for the retired list—and there are as weighty reasons in favor of the proposition as there may be against it—the retired list is the product of a law which has stood for many, many years without an attempt on anybody's part, so far as I know, to repeal it.

When men go on the retired list they are not any more in the employ of the Government. They are no longer even in the sense used in the Constitution officers of the Government. They are on the retired list. It is called a retired list, and you might nearly as well say that no one who draws a pension from the Government shall seek employment with anybody who may ever seek to sell anything to the Government. That is what this proposition amounts to. I do not think that anyone will seriously contend that men in the active service of the Army deliberately betrayed the trust placed upon them because they have in view the possibility when they retire of seeking employment with some private concern. If that were true, the same implication might be made against every Member of Congress—that when he retires he retires in the hope that his services in Congress have been such that some private corporation will give him employment.

Mr. REAVIS. Will the gentleman yield?

Mr. MANN. No; I have not the time. That would not be true as to Members of Congress and it is not true as to Army officers. If it be true as to Army officers, they all ought to be removed. We have men leaving the Government service every day because somebody in private life pays them higher salaries than does the Government. I rather welcome that because I think then the Government has educated some man, educated him well, who knows something about the Government, who goes into private life, and if the Government ever has to deal

with him or with some concern that he is employed by, the point of view of the Government will be better understood.

Take the case of Gen. Goethals. He is on the retired list. Do we propose to say that no one can employ him and then offer to do anything for the Government of the United States? [Applause.] Why, I would welcome the Government dealing with Gen. Goethals representing the other side, and there are many other cases like it. Take the young lieutenant who loses a leg in battle, which may soon occur. He retires on a salary of \$1,800. Is it to be said that during all his life he may not seek employment with anyone unless that person or that corporation deliberately determines that it never will seek a contract or offer to make or sell anything to the Government of the United States? I do not think I want to take that position yet. [Applause.]

Mr. TAVENNER. On the subject of retired naval officers taking employment with concerns having dealings with the Government, and the principle is the same whether we refer to Army or Navy officers, the Senate Committee on Naval Affairs of the Fifty-fourth Congress, following its discovery of a great deal of this practice in 1896-97, had the following to say in its report made to the Senate on February 11, 1897 (S. Rept. 1453, 54th Cong., 2d sess.):

No man can well serve two masters; and if contractors having large dealings with a department of the Government can take into their employment, with no limit as to compensation, officials of that department, and through them learn the secrets and the purposes of the department, and moreover insidiously influence its action, great injury may result to the public service. The fundamental principle upon which all legitimate business is transacted—that each side shall be represented solely by persons wholly devoted to its own interests—is viciously violated by a custom which allows one side to take into its pecuniary employment a representative of the other side.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAVENNER. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. TAVENNER. In extending my remarks for the RECORD I wish to conclude the findings of the Senate Naval Affairs Committee on the question as to whether retired Army and Navy officers should be permitted to take employment with concerns having dealings with the Government. The report continued as follows:

An effort was made in the debate to draw a distinction between officers on the active list and officers on the retired list. The committee deny that any well-founded distinction exists which could influence the decision of the question. Retired officers of the Navy remain officers to all intents and purposes, with an important exception. Section 1462 of the Revised Statutes provides that "no officer on the retired list of the Navy shall be employed on active duty except in time of war."

But notwithstanding this statute exempts retired officers from all obligation to render any service for the liberal retired pay which they receive for life, amounting usually to three-fourths of their active duty pay, yet they remain a part of the Navy of the United States, available in any emergency of war. They are entitled to wear their uniforms on public occasions and are allowed free access to every bureau of the Navy Department, on the theory that they are still ready to serve the interests of the Government by fidelity, sound advice, and an earnest spirit of devotion to public duty. It is quite enough to allow such officers to enter into ordinary private employment for compensation. To permit them to take sides against the Government and to enter into the employ of contractors having dealings with the Government reaching to millions of dollars will certainly, if the custom continues, become most pernicious and injurious to the public interests. Proclaim that such officers may be so employed by repealing the clause which has now become a law, and a bold and wealthy contractor, willing to spend enough money to take into his employ a sufficient number of naval officers on the active and retired lists, would be able thoroughly to weaken the department in its dealings with such contractor and to put the Government at his mercy in making bargains, which would be substantially entered into with the representatives of one side alone conducting all the negotiations.

Whenever there has been an investigation by Congress of the Navy Department—and there has not been one for a good many years—the investigators incidentally turned up information showing that Navy officers were secretly connected with the armor-making concerns.

The Senate Committee on Naval Affairs of the Fifty-fourth Congress in 1897 was doing a little investigating into the reasonableness of the cost of armor and discovered that 8 or 10 naval officers were on the pay rolls of armor and steel companies and at the same time on the pay roll of the Government.

When an officer received an offer to go into the employment of a private firm having dealings with the Navy Department, it was the custom to obtain leave of absence with what was known as waiting-orders pay, which amounted to \$2,300 a year, the officer at the same time receiving a salary usually of \$5,000 or \$6,000 a year in addition from the war-trading firm with which he had taken employment. Lieut. C. A. Stone, even after having retired from the Navy and taken employment with the Carnegie Steel Co., for a time kept his desk in the Bureau of Ordnance at

the Navy Department. Lieut. J. F. Meigs resigned from the Navy and went into the employment of the Bethlehem Iron Co.

The most deeply involved of all was Commander William M. Folger, former Chief of the Bureau of Ordnance. He was many times in the employment of the armor and projectile concerns, receiving both salary and blocks of stock. He was employed by the Gatling Gun Co. as their European agent for two years on a salary; by the Simonds Rolling Machine Co. for about six months, in London, his expenses being paid and an interest in the business given him in the shape of stock in the company, which was profitable and paid good dividends. He was also mechanical adviser, on a salary, for the American Projectile Co.

Commander Folger's connection with the Harvey Steel Co. was severely criticized. After assisting and advising the Harvey Steel Co. in many ways while Chief of Ordnance and negotiating contracts as Chief of the Bureau of Ordnance with the Harvey Co., Commander Folger resigned as Chief of Ordnance and became an employee of the Harvey Steel Co., meanwhile, however, also receiving a salary of \$2,300 from the Government. Folger's salary from the Harvey Co. was to be \$5,000 a year, and he was given \$20,000 worth of stock in the Harvey Co., which stock paid 20 per cent dividends from its receipts from the United States Government alone.

Commander Folger testified that while he was Chief of Ordnance he had many offers to go into the employment of the steel and armor companies, including offers from the Carnegie Steel Co. and the Bethlehem Iron Co., the only two firms manufacturing armor at that time.

In accepting the following offer from the Harvey Steel Co. Commander Folger accepted the offer of the firm to which he had given the most valuable service while Chief of the Bureau of Ordnance.

HARVEY STEEL CO.,
No. 52 Wall Street, New York, December 28, 1902.

Commander WM. M. FOLGER.

MY DEAR SIR: I am instructed by the board of directors of this company to invite you to accept the office of consulting engineer to our company on ordnance and armor plate and such other matters as may come under our patents whenever you are at liberty to so act.

We shall be happy to meet you then and arrange the terms with you. Yours, very truly,

H. A. HARVEY,
President of the Harvey Steel Co.

When Hilary A. Herbert became Secretary of the Navy and heard of Folger's connection with the Harvey Co. he recalled him to active service. Commander Folger was retired as rear admiral June 30, 1905, and therefore is now, and has been for the last 10 years, receiving \$6,000 a year from the Government as a retired rear admiral.

Relative to the custom of Army and Navy officials to take employment with private firms Commander Folger testified as follows (54th Cong., S. Rept. 1453, p. 338, hearings):

Senator McMILLAN. Was it not and is it not customary in the Navy for officers to obtain leave of absence and to take employment from companies outside?

Mr. FOLGER. Very generally so.

Senator McMILLAN. And so it is in the Army?

Mr. FOLGER. So it has been in the Army.

Senator McMILLAN. I have known several cases of that kind.

Mr. FOLGER. They are so employed very often.

These same hearings (pp. 155 and 353) brought out the fact that former Secretary of the Navy B. F. Tracy, after having made a large contract as Secretary of the Navy with the Carnegie Co., without advertisement or any attempt to obtain competitive bidding, entered the employ of both the Carnegie Co. and the Harvey Co. as counsel.

I do not pretend to know the number of ex Army and Navy officers now connected with munitions manufacturers. There are more of such instances to-day, I believe, than at any time in the history of the Government. A very considerable amount of the munitions that are going to the allies from the United States is being made under the supervision of ex-officers of the American Army and Navy, who have resigned their official positions to take employment at two, three, four, or more times their former salaries.

This exodus from the ranks of the best-trained officers of the Army was permitted by the War Department, the officials of which take the ground that it is to the interest of the Government to have highly trained men in the plants of the private manufacturers which may be called upon in the emergency of war, but which, however, also have dealings with the Government in time of peace.

Personally I do not believe that either the War or Navy Departments should accept the resignations of officers who desire to enter employment with concerns having dealings with the Government. Army and Navy officers are but human, and if they know that by winning the favor of private war trafficking firms they may be taken into their employment at two, three,

or four times their present salaries they are not likely to be as insistent upon holding out for all that the public is entitled to as they would otherwise be. In a few words, this policy places a premium upon serving the interest of the war trading firms instead of serving the interest of their employers, the American taxpayers, who have paid for their special training and are entitled to the full benefit therefrom.

Furthermore, the basis of the policy of accepting resignations under the conditions noted is the assumption that the Government is going to continue to give the maximum amount of contracts for war materials to private plants and manufacture the minimum amount in Government arsenals, navy yards, and shipbuilding plants.

I believe this assumption is entirely erroneous. Although I realize full well that the great majority of the Army and Navy officials view the proposition of complete Government manufacture of war materials with derision and contempt and that this view is fully shared by those Army and Navy journals that rely upon the advertising of the great war trafficking firms for their principal revenue. But unless I mistake the temper of the American people, the days of the war traffickers are numbered. That great giant, public sentiment, is slow to act, but if I read the signs aright, the giant has already begun to stir. Once aroused, the sentiment of the American people is bigger and stronger even than the forces of the war traffickers, and these forces are strong, for they have behind them every last ounce of the strength of big business and special privilege. In fact, the war traffickers are big business and special privilege combined, supported by the sentiment of the naval and military aristocracy.

Government manufacture of war munitions is coming—coming with a seven-league-boot stride, and gaining impetus every hour. This movement was slow in starting, but it will bowl over all the obstructions and obstructionists that are in its path at the end. The masses are long suffering. Already they have suffered too long, and their temper now will not permit of long delay. Unless this Nation should be plunged in war and attention diverted, the policy of Government manufacture is not far away, so let us retain our Army and Navy officers who have been specially trained in the manufacture of munitions of war to take charge of Government plants.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. REAVIS) there were 41 ayes and 40 noes.

Tellers were demanded and ordered; and the Chair appointed as tellers the gentleman from Nebraska [Mr. REAVIS] and the gentleman from New York [Mr. CALDWELL].

The committee again divided; and the tellers reported that the ayes were 54 and the noes were 59.

Mr. REAVIS. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The vote just taken discloses a quorum, but the Chair will count. [After counting.] One hundred and seventeen Members present, a quorum.

So the amendment was rejected.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. CALDWELL: Page 16, line 25, after the word "four," insert:

"Provided further, That any officer on the retired list found physically fit may be from time to time assigned to such military duty and for such period as the President may designate."

Mr. DENT. Mr. Chairman, on that I reserve the point of order.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDWELL. Yes.

Mr. MANN. If under the gentleman's amendment the President orders a retired officer to do something, what pay would that retired officer get?

Mr. CALDWELL. The pay prescribed by law, which I understand is not over that of a major.

Mr. MANN. There might be no pay prescribed by law.

Mr. CALDWELL. But there is.

Mr. MANN. Would he get the retired pay or the full pay of his rank?

Mr. CALDWELL. As I understand it, the statute prescribes that when he goes back into the service he shall be paid according to the service he performs up to the pay of major; but he can not get more than a major's pay.

Mr. MANN. So that if the President should order a brigadier general back into the service he would have to accept three-quarters pay?

Mr. CALDWELL. He would take three-quarters pay for his active service.

Mr. MANN. Is that fair?

Mr. GORDON. Of course it is not.

Mr. MANN. Oh, I suppose if the gentleman from Ohio were ordered back into private life, to get three-quarters pay of a Congressman, he would get paid too much, then.

Mr. GORDON. But I was not advocating this amendment.

Mr. MANN. The gentleman sat in his seat and interrupted me with a statement to that effect.

Mr. GORDON. I did not. The gentleman misunderstood me. Of course, it would not be right to order him back on anything but full pay; but the President ought to have the right to order any of these retired officers back into the service.

Mr. MANN. I agree with the gentleman; and I agree that he is worth a great deal more than a Congressman's salary.

Mr. DENT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Additional pay for length of service, \$467.000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I voted against the amendment offered by the gentleman from Nebraska [Mr. REAVIS], but there is a sort of penumbra to that subject that does raise an idea of unfairness, as one might say, and I think if the gentleman would analyze the situation he probably would reach what he wants by an amendment to existing law increasing the age limit for retirement. We are learning every day from what is happening across the water, and it can not have escaped the attention of any of us that the men who are doing the planning, and that is what superior officers ought to do, are in every instance, I think—and the gentleman from California [Mr. KAHN] will correct me if I am wrong—in practically every instance, at least, over 62 years of age.

Mr. KAHN. The age for retirement in the Army of the United States is 64 years.

Mr. BENNET. Over 64 years.

Mr. KAHN. But most of the officers—that is, the general officers—in command of troops are nearer 70 than 64 years of age.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. REAVIS. Does the gentleman know of a single army officer upon either side in the European war who has attained distinction in the war who would not have been retired under the American system?

Mr. BENNET. I certainly do not, and therefore I rose to suggest to the gentleman the amendment I have proposed.

Mr. BRITEN. Was not Von Hindenberg retired and afterwards recalled to the service?

Mr. BENNET. That is not the question, and I am not familiar with the exact facts, but I did desire to call to the attention of the committee the fact that men who are planning the successful movements on all sides in Europe are men who are over the age at which our officers are retired.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. SHALLENBERGER. Mr. Chairman, we have a provision in the law that takes care of just such cases as Von Hindenberg's. In the national-defense act there is a provision that in time of war retired officers of the Army may be assigned to active duty in the discretion of the President, and when so employed shall receive full pay and the allowance of their grade. In other words, in time of war you may call anybody on the retired list, and he shall receive the pay of his grade.

Mr. BENNET. Of course, then, that raises this interesting inquiry: If those men are fit to be called back as that statute contemplates, why do we not utilize three or four more years of their active life right in the active service?

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. KAHN. Does the gentleman realize that the one trouble in the Army seems to be the difficulty of promotion. The age of 64 years for retirement is fixed so that men in the lower grades can be promoted as the other men retire. That is the sole purpose of it.

Mr. BENNET. I think if that is the sole purpose of it, that the loss to the Army by putting out capable men in their prime is not compensated for by the rapidity of promotion.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. FIELDS. Is it not only fair to assume that if a man is fit to be called back and serve the country in time of war, he certainly must be fit to serve the country in time of peace?

Mr. BENNET. Yes.

Mr. FIELDS. And his services should be retained by the Government?

Mr. BENNET. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SEARS. Mr. Chairman, I move to strike out the last two words. I agree with the gentleman from New York, and I believe the age requirement should be increased. I have no fight to make against retired officers because the Congress makes it possible for them to retire, but I believe the law should be changed. There is something radically wrong with it. I dislike to disagree with my colleague from Illinois, but it is certainly not a fair comparison when he compares a Congressman to retired Army officers. When my constituency retires me, which perhaps they will do in the near future—I hope not—I will not get three-fourths of my salary, but will go back and undertake to earn my living like I did before I came to Congress. But, Mr. Chairman, it may also strike this House forcibly when I state to them there are only about 5,000 enlisted men on the retired list to-day out of the entire Army, and last year from the report only 310 enlisted men were placed on the retired list out of approximately 98,000 of enlisted men. And yet 36 men, drawing large salaries, were retired out of less than 5,000 Army officers.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SEARS. I have not the time. Of course, this less than 5,000 men who get the munificent salaries of three-fourths of \$16 a month, having served the number of years required, should not be placed upon the same basis that the Army officers who are getting \$4,000, \$5,000, or \$6,000 a year are placed. I want to say to the Members of the House, in reply to one of my colleagues, if you are going to pay a retired Army officer \$6,000 a year for 10, 15, or 20 years to retain his patriotism in time of distress and in time of war, I fear we had better lose his patriotism at the present time.

Mr. ANTHONY. Will the gentleman yield?

Mr. SEARS. I will.

Mr. ANTHONY. I simply wanted to call the gentleman's attention to the statement that these enlisted men retire on the basis of three-fourths of \$15.

Mr. SEARS. Sixteen dollars.

Mr. ANTHONY. Sixteen dollars a month. The gentleman is in error.

Mr. SEARS. A member of the committee so stated to me.

Mr. ANTHONY. Let me say to the gentleman probably 80 per cent of the enlisted men on the retired list are retired with the highest noncommissioned rank they can get, and the average pay of the entire enlisted men is nearer \$35 a month than it is three-fourths of \$16 a month.

Mr. SEARS. Do any get \$3,000 a year?

Mr. ANTHONY. No; but their pay averages nearly \$35.

Mr. KAHN. Will the gentleman yield?

Mr. SEARS. I will.

Mr. KAHN. They generally get in the neighborhood of \$65. That is what they get on the retired list—most of them—because they have served 30 years before they are put on the retired list, and nearly every one of them is a noncommissioned officer.

Mr. SEARS. Then practically no privates are retired; and, on the other hand, the proportion is about 25 to 1 of Army officers retired to 1 enlisted man.

Mr. FIELDS. That is explained by the fact—

Mr. SEARS. These officers have had to live a hard life and had to go through West Point—

Mr. FIELDS. They are not retired from the Army until they have served out their time.

Mr. SEARS. In other words the private who fires the shot to protect your home has to serve out the entire time until he is retired and the Army officer does not.

Mr. FIELDS. If all privates who enlist serve 30 years, there would be a great many more privates on the retired list.

Mr. SEARS. I know it is hard to save a few million dollars for the people. As I said in the beginning, I have no fight to make against the Army officers. My sole object was that the committee would take the matter under consideration and next year see if they could not make a more equitable basis of distribution between Army officers and the private soldiers serving in the ranks.

Mr. TALBOTT. Will the gentleman show this House how he can save money by retiring them at a greater age?

Mr. SEARS. I would not retire them as long as they were able to work.

Mr. TALBOTT. Then, there is no economy in it. If they are kept on the active list they still belong to the Government—

Mr. SEARS. Take your own time. I can not yield to the gentleman further. If they are retired on a graduated scale—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. SEARS. If officers were retired on a graduated scale of salary instead of a three-fourths scale regardless of length of service or efficiency and the age of retirement was increased, I dare say no one will deny it would be more equitable and would save to the people thousands of dollars.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, I think the situations of the enlisted man and the commissioned officer of the Army with reference to the retired list are not similar, by any means, and no such comparison as the gentleman from Florida has undertaken to institute between them is fair to the commissioned officer. In the first place, the commissioned officer, as a general rule, goes into the service when he is 21 years of age, surrenders all other opportunity to follow any kind of pursuit in civil life that may be more remunerative, and it is part of his contract and commission at the time he enters the military service that from that time until he is retired for disability or for cause he shall refrain from any gainful occupation.

Therefore the Government promised him that if he refrained from gainful occupation during that period of service, which in normal conditions might extend over 40 years, he should be retired on an annuity, which in some degree, it may be thought, would compensate him for losing his opportunity all the way along up the line to profit by any other form of occupation.

Now, the enlisted man, as a general proposition, does not go into the Regular Army with the idea of making it a life occupation. The greater number of men who enlist in the Regular Army have no idea of making it a regular occupation. Most of them go in through some chance experience, adventure, or the impulse of the moment, and only a few of them go in with a settled determination to stay in until they can retire. So that there are very few men who ever stay in the Regular Army in the enlisted rank long enough to retire, or who have gone into the service in the first place with the idea of staying long enough to retire. Those men who have stayed in 30 years and can, therefore, retire have reached those advanced ranks of the noncommissioned officers where they retire from the Army on an equivalent footing, relatively, with the commissioned officer.

Mr. SEARS. Having been a soldier for two years, I admit there is no fair comparison between the private soldier and the commissioned officer.

Mr. GREENE of Vermont. The law has stood the test for nearly 60 years, and practically no one up to this time has made an attempt to change it, because everybody thought it was fair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that at the expiration of seven minutes the debate on this paragraph and amendments thereto be closed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the expiration of seven minutes the debate on this paragraph and amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. YOUNG of North Dakota. Mr. Chairman, if we have war, or if we do not, one of the greatest problems of this year will be the securing of an adequate food supply. The lack of good seed wheat in the Northwestern States furnishes a serious problem, owing to the rust conditions prevailing through the hard-wheat States during 1916. Almost no wheat was raised in that area suitable for seed.

Mr. STEENERSON has introduced a bill to permit wheat to be imported without duty when used for seed. This is a most important bill, which ought to be passed without fail before we adjourn.

All authorities agree that wheat plants grown from the rusted wheat of 1916, according to germination tests recently made, are away below the standard of former years. The factors which determine whether seed is good or not are shown by the portion of the kernels which will grow, the vigor of the growth, the freedom from weed seeds, and freedom from disease. The thing of greatest importance is the vigor of the growth. In a backward season this is of fundamental importance. Some of the injured seed will grow, but it is likely to die if untoward conditions, such as a cold, backward spring, or late frosts or high winds prevail. Under such unfavorable conditions the reliance of the farmer should be placed in seed wheat with a plump berry. The supply of this kind of heavy, plump wheat is located for the most part

in the Canadian Northwest. The farmers of our country should be encouraged to import it. The removal of the duty from wheat to be used only for seed will not only be a saving to those who import it but it will encourage many farmers to buy such seed who would not otherwise do so. The more good seed planted the greater chance there will be for an adequate wheat supply in this country during the season of 1917. It will also insure a large supply of wheat grown this year suitable for seed in the year 1918.

Mr. MOORE of Pennsylvania. Do I understand the gentleman to say that there is no seed wheat in the Northwest?

Mr. YOUNG of North Dakota. There may be some held over from the 1915 crop, but there was no wheat grown last year that was suitable for seed. While it makes good flour, it lacks in germination quality. The tests show that only a portion of the kernels will germinate, and that those that do lack vigor and strength and will not produce a good, healthy plant likely to withstand an unfavorable season.

Mr. MOORE of Pennsylvania. I would like to say this to the gentleman, in view of the fact that we are discussing the war, that the cost of living has risen in the East because of the alleged lack of wheat, and we are informed through the announcement of the railroad embargoes on trains from the West that wheat intended for export is being held up, and that there is plenty of it.

Mr. YOUNG of North Dakota. The wheat supply in the United States now is not as great as it was a year ago, and the wheat supply is likely to be very much less if this war goes on, even if we are not in it, and if our seed for the next spring is not of the proper quality we are going to have a great shortage in the quantity of wheat next fall.

Mr. MOORE of Pennsylvania. That is, there is going to be a greater shortage in the United States?

Mr. YOUNG of North Dakota. If the war continues.

Mr. MOORE of Pennsylvania. Can the gentleman tell us how much wheat is coming out of the West now for eastern consumption? We would all like to know.

Mr. YOUNG of North Dakota. I have only five minutes, and I want to talk about the bill that has been offered by the gentleman from Minnesota [Mr. STEENERSON] before the Ways and Means Committee, providing that wheat shall be admitted free of duty when used for seed only.

Mr. MOORE of Pennsylvania. There is difficulty in getting cars for carrying wheat to the East.

Mr. YOUNG of North Dakota. I can not yield for that purpose, much as I would like to. I have only five minutes.

Mr. GREEN of Iowa. I will say as to the bill of the gentleman from Minnesota [Mr. STEENERSON], that it was before the subcommittee of the Ways and Means Committee and the subcommittee agreed to report it to the main committee, and I have no doubt, although it has not been considered by the main committee, that it will report it and bring it before the House at this session.

Mr. YOUNG of North Dakota. I am glad to hear the statement of the gentleman. If the main committee does report this bill favorably, I hope this House will see to it that it receives consideration at this session. I do not think there is any bill before Congress of greater importance. It will have the effect of saving a lot of money to those who will buy this seed, and what is still more important, it will encourage many people to buy good seed who otherwise would be using inferior seed. It will have a psychological effect. It will give a great deal of advertising to the fact that the grain grown last year was not suitable for seed, and they can get good, sound, plump wheat, weighing something like 60 pounds to the bushel, in the Canadian Northwest, that will give promise of good crops.

Mr. GORDON. What is the bill you are advocating?

Mr. YOUNG of North Dakota. I am advocating the passage of the bill introduced by the gentleman from Minnesota [Mr. STEENERSON] to permit wheat to come in for seed without duty.

Mr. GORDON. I am in favor of it.

Mr. SMITH of Michigan. Can they not do that now under the tariff act?

Mr. YOUNG of North Dakota. No. The present law will not permit it.

Mr. SMITH of Michigan. It is not too late now to bring such a bill in?

Mr. YOUNG of North Dakota. No; I do not think so. The crop will not be seeded for two or three months in the hard-wheat States.

Our North Dakota Agricultural College put out an excellent bulletin upon this subject which I regret to say has been mislaid, but I have a brief article by John Bracken, professor of field husbandry, University of Saskatchewan, printed in the

Dakota Farmer, which is well worth reading and study. I ask permission to have this article printed in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The matter is as follows:

SEED VALUE OF RUSTED WHEAT.

[By John Bracken, professor of field husbandry, University of Saskatchewan.]

Twelve million acres of land will be sown to wheat in Western Canada in 1917. In about one-sixth of this area the seed is perhaps as good as in the average year. In over one-half of it the crop from which seed would ordinarily be taken has been more or less seriously damaged by rust. In a portion of the balance the grain has been injured by frost; and weathering, snow, and heating have lowered the value of the grain for seed here and there throughout considerable areas.

The question in the minds of thousands of crop growers is: "Shall I use my own seed or purchase better?"

This is a question that is important under some conditions in different communities every year, but in certain districts this year the answer that will be given it is likely to result in serious consequences. The purpose of this discussion is to present some data and observations that will aid the crop grower in arriving at a safe decision regarding the value of his grain for seed.

WHAT IS GOOD SEED?

The factors that determine the value of wheat for seed are:

1. The proportion of it that will grow.
2. The vigor of the growth.
3. Its freedom from weed seeds.
4. Its freedom from disease.
5. Its freedom from other grain, other varieties, and foreign matter.
6. Its suitability to the district.

Those factors that are of particular importance at this time are the first and second, the proportion that will grow and the vigor of growth. It is an easy matter to get a suitable variety, and it is not very difficult to see that the seed is clean and free from disease, although many are careless about these simple matters. All these requirements are important, but the vigor of growth is much more important as compared with the others than in any season since the frosted crop of 1911.

The photographs and germination records illustrate the vigor of growth and give the percentage germination, the number of germinable seeds per acre, and the weight of 1,000 kernels from a sample of No. 1 hard, samples of No. 4 special, No. 6 special, and feed, and three miscellaneous samples. In each of No. 4 special, No. 6 special, and feed, this information is given for the original, the cleaned portion, and the screenings.

In addition to a photograph of the seed itself, the vigor of growth 9 days after planting is shown immediately above it, and the vigor of growth 16 days after planting is shown at the top.

SOME OBSERVATIONS ON THESE TESTS.

A proportion of the rusted and frosted kernels, varying with the seriousness of the injury, will grow, but the percentage of germination, though relatively high in the rusted grain, is not a safe guide to their value for seed. The reasons for this are twofold:

1. It is not fair to the normally developed grain, because it gives no indication of the vigor of the germination or subsequent growth and in a backward season this is of fundamental importance.
2. It is not fair to the injured grain, because the latter contains more seeds per bushel than the uninjured. Every sample of rusted seed shown here, with the exception of the badly frozen sample, contains more germinable seeds per bushel than the sample of university grown No. 1 hard. In fact the least valuable rusted sample reported upon (Marquis B), which germinated only 72 per cent, contains nearly three times as many germinable seeds per 60 pounds as the plumpest sample of No. 1 hard, which germinated 100 per cent.

But if there were ten times as many there would be no justification for using it for and because of its low vigor, and the danger of the vitality being destroyed by untoward conditions either before or after coming up.

The weight of the germinable seeds seems to be the safest guide to the vigor of growth. In other words, the safest guide to the value of clean, rusted grain for seed is the percentage germination and the vigor of growth as expressed in a germination test. The weight per bushel, the size and plumpness of the berry, its relative freedom from injury, and, better still, the weight of single kernels are generally safe guides to the vigor of growth, but the vigor of growth in a germination test is a measure of all these.

If we were sure there would be warm weather, plenty of moisture, and no killing frosts or soil drifting between the 15th of April and the middle of June, much of the rusted seed might be used with considerable hope of success, but this "if" is beyond the expectation of the most optimistic. The facts are:

1. That some of this injured seed will grow;
2. That it may not be killed if ideal conditions after planting obtain; and
3. It is likely to either fail to germinate or to die if untoward conditions such as a cold, backward spring, late frosts, and high winds prevail.

The thinner and lighter the seed the less the chance of success. The plants from plump, heavy seed will recover after any of these conditions. The man who would lessen his chances for failure, the one who would not gamble with his crop—and in 1917 it will be a valuable stake—should plan now to test his own seed, and, if necessary, to get from some source a supply of vigorous, germinable seed for the coming year.

Much of the best seed is moving out of the country. It may be too late next March to get a good supply. The experiences of the past and the need of the present both demand quick action now.

DOES RUSTED SEED CARRY THE DISEASE?

In the opinion of most investigators rusted seed is valuable in proportion to the amount that will grow and the vigor of the growth. Most of them are of the opinion that the seed does not carry the disease, but among European investigators there are some exceptions to this contention. Two among them report having found the mycelium of the disease in the seed. If this is generally true rusted grain should not be used for seed. But other investigators and most practical men do not believe the seed is the cause of the disease.

THREE KINDS OF SEED.

There are three different kinds of clean seed this year:

1. The kind that will not grow.
2. The kind that will grow but will produce only feeble plants.
3. The kind that will grow and produce vigorous plants.

The first is obviously unfit for seed if it is known it will not grow. The germination test will tell whether it will or not.

The second is unfit for seed in proportion to its thinness. The more lean it is and the lighter it is per bushel the greater the risk in using it.

The third is the only kind that should be used, for the reason that it is the only kind that carries with it the least risk. Large, plump, and sound kernels are the only insurance we have against backward spring conditions and killing frosts after the plants are up.

| | No. 1 hard, univ., cleaned. | Feed. | Feed, cleaned. | Feed, screen- ings. |
|--|--------------------------------------|---------|-------------------|---------------------------|
| Weight per bushel..... | 64½ | 40 | ..... | ..... |
| Number of seeds per bushel, in thou- sands..... | 782 | 2,031 | 1,610 | 2,568 |
| Per cent germination..... | 100 | (88) 68 | (92) 96 | (64) 64 |
| Number of germinable seeds per bushel..... | 782 | 1,381 | 1,546 | 1,643 |
| Weight of 1,000 kernels, in grams..... | 34.8 | 13.4 | 16.9 | 10.6 |

A very poor sample for seed, yet it contains twice as many germinable seeds per bushel as the No. 1 hard. Notice the vigor as compared with the good sample on the left.

| | No. 1 hard, univ., cleaned. | No. 6 special. | No. 6 special, cleaned. | No. 6 special, screen- ings. |
|---|--------------------------------------|-------------------|-------------------------------|---------------------------------------|
| Weight per bushel..... | 64½ | 48 | ..... | ..... |
| Number of seeds per bushel, in thousands..... | 782 | 1,779 | 1,328 | 2,110 |
| Per cent germination..... | 100 | (56) 60 | (72) 72 | (52) 60 |
| Number of germinable seeds per bushel..... | 782 | 1,067 | 956 | 1,266 |
| Weight of 1,000 kernels, in grams..... | 34.8 | 15.3 | 20.5 | 12.9 |

Too low in vigor to be risked for seed. Cleaning made a great improvement, but not enough to make safe to sow.

| | No. 1 hard, univ., cleaned. | No. 4 special. | No. 4 special, cleaned. | No. 4 special, screen- ings. |
|---|--------------------------------------|-------------------|-------------------------------|---------------------------------------|
| Weight per bushel..... | 64½ | 55 | ..... | ..... |
| Number of seeds per bushel, in thousands..... | 782 | 1,509 | 1,334 | 2,143 |
| Per cent germination..... | 100 | (84) 92 | (88) 96 | (82) 52 |
| Number of germinable seeds per bushel..... | 782 | 1,386 | 1,281 | 1,114 |
| Weight of 1,000 kernels in grams..... | 34.8 | 18.04 | 20.4 | 12.7 |

The cleaned sample is a fair one for seed, carrying 60 per cent more germinable seeds per bushel than the No. 1 hard, but showing perhaps 60 per cent less vigor. Cleaning improved this sample very much.

| | No. 1 hard, univ., cleaned. | Marquis B, badly rusted. | Rusted Marquis W. | Frosted Marquis A. |
|---|--------------------------------------|--------------------------------|-------------------------|--------------------------|
| Weight per bushel..... | 64½ | ..... | ..... | ..... |
| Number of seeds per bushel, in thousands..... | 782 | 3,058 | 1,573 | 1,076 |
| Per cent germination..... | 100 | (60) 72 | (56) 56 | (28) 48 |
| Number of germinable seeds per bushel..... | 782 | 2,202 | 881 | 516 |
| Weight of 1,000 kernels in grams..... | 34.8 | 8.9 | 17.3 | 25.3 |

Marquis B is the least vigorous sample tested, yet it contains three times as many germinable seeds per bushel as the No. 1 hard. This crop was not considered worth cutting, and the grain is certainly unfit for seed.

Marquis W is a very poor one for seed, yet some of the plumpest kernels produce fairly strong plants.

Frosted Marquis A. Not "frosted" but badly frozen. The photograph flatters the seed. At twice the ordinary rate it might give a full stand, but it would likely rot in the ground if the spring were backward. As a matter of fact it heated after this test was made, and now none of it will germinate.

Mr. TAVENNER. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois is recognized for two minutes.

Mr. TAVENNER. Mr. Chairman, the amendment which was offered by the gentleman from Nebraska [Mr. REAVIS] was a very excellent one. It should be adopted before the bill is finally passed. The same provision the House has just rejected is law now, so far as it relates to naval officers.

The naval bill which became a law June 10, 1896, prohibited any naval officer on the active or retired list from taking employment with concerns having dealings with the Government. The provision reads as follows:

And provided further, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps, on the active or retired list, while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

There is, however, no similar legislation with reference to Army officers, the absence of which makes possible instances like that of Gen. Humphrey, who is on the pay roll of both the Du Pont Powder Co. and the Government.

W. H. Brownson, retired rear admiral, now drawing \$6,000 a year from the Government, is a director of the International Nickel Co.

Charles F. Humphrey, who receives \$6,000 a year from the Government as retired major general, is an employee of the Du Pont Powder Co. E. G. Buckner, vice president of the Du Pont Co., testified before a committee of Congress that he employed Gen. Humphrey at Washington to "look after such little details as getting information from all of the departments."

I believe that perhaps as much as 90 per cent of the munitions going to the allies is being made under the supervision of ex-United States Army and Navy officers, some of whom are retired and some of whom resigned to take employment with private munitions firms. Some of the resignations were accepted more than a year ago, when Mr. Garrison was Secretary of War. I do not believe the War Department should have accepted the resignations at that time, knowing unofficially that the very next day these officers, educated at the expense of the American people, were to start making munitions for the allies. The Government was endeavoring to be neutral in every way, and I believe it would have been better for the Secretary of War to have refused to accept the resignations just at that time, with the explanation that under the circumstances some might misunderstand the acceptances. Of course, if we had been at war with Germany, or even if we had broken off diplomatic relations, the situation would have been different.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

The Clerk read as follows:

Additional pay for length of service, \$46,225.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. MILLER of Minnesota. I do this for the purpose of bringing to the attention of the House an item that more properly should have been presented when we were considering the subject of aviation in this bill.

When the fortification appropriation bill was before the House some weeks ago, among other gentlemen who took occasion to make some remarks I uttered the following, and I quote this extract from an article in the Army and Navy Journal; and I have a reason for doing it. I would not take the time of the House now otherwise. I read:

We all know, who have taken occasion to make inquiry, that when Gen. Pershing's expedition went into Mexico it was not without the airplane. They had eight. Did the eight fly? Good God, no! They were naturally not built for the air; they were built to go near the ground; they were built to rest in the sand; they were built to move only through the sagebrush. They had not the ability to fly. No one there could instill into them the blood of the microbe of flying. After a while two were able to fly by jerks, and after a further time some were able to fly spasmodically and intermittently, and some of the time I suppose have been flying regularly. We appropriated \$13,000,000, as I remember distinctly, a year ago, and we have not had much better results yet. I have been told that the Aviation Corps of our Army has not been properly organized. I do not know whether it has or not; I do not know what a proper organization ought to be. I have heard it stated that there was difficulty in connection with the high officers. I know there has been a shaking up and a reorganization, and I hope it will be for the lasting good of the Aviation Corps. While we sit here with patriotism and vote the money in large sums, it ought to be possible to put that money so as to produce efficient results.

The Army and Navy Journal then goes on to say, after quoting the above:

Before Mr. MILLER and his colleagues "sat there with patriotism, and voted the money," an Army officer and a civilian aeronautical expert of the highest standing in his profession, appeared before the Military Committees of Congress and described the work of the aviation section of the Army for his benefit and for that of his colleagues. Their statements are to be found in the printed hearings of the committees which are available for everyone in the United States who cares to inform himself as to these matters.

Then follows a further discussion, citing the statement made by the gentleman from Kentucky [Mr. SHERLEY], and then it continues with this:

"During the expedition into Mexico the first aero squadron at Columbus were continually being used as dispatch bearers and mail carriers. About September 15 a daily airplane mail service was established between Columbus, N. Mex., and Colonia Dublan, Mexico. In addition to the above cross-country flying there have been numerous flights made from San Diego, Cal., to Los Angeles, Cal., a distance of 120 miles, by pupils of the San Diego school. Similar flights have also been made by pupils and pilots at the Mineola school."

There is also somewhere a statement, that I can not at this moment find, showing the total distance that has been flown during the past year and which is so considerable as to occasion surprise upon learning it.

Mr. Henry Souther, the War Department's civilian expert on flying machines, testified before the House Committee on Naval Affairs on December 7, 1916, as to the marked progress of the Army aviators attached to the Southern Department were making not only in the duration of flights, but in the mechanical improvements on their machines. It is a part of patriotism for a Congressman to acquire information on any subject he discusses.

Then, in another place this is said, and I do not care to take the time of the House to read it all. I will try to pick out this particular feature in just a moment:

Mr. SHERLEY, chairman of the Committee on Fortifications, endeavored to throw a little light into the darkness that "obfuscates" Mr. MILLER's mental perceptions.

Now, I have wondered for a long time what is the matter with me. [Laughter.] It remained for this article from the Army and Navy Journal to enlighten me. I have been "obfuscated." I have looked into the dictionary to find out the exact nature of my ailment. I have consulted medical books, and I have talked with some of my distinguished friends who are occupied with physician's duties. Nobody seems able quite to give me the accurate definition of what "obfuscation" means, how it begins, what are its symptoms, how long it lasts, what its effects are. I would like to make some observations on that, or invite my friend from Illinois, Dr. FOSTER, to give me some dissertation on it. [Laughter.] It appears that the Army and Navy Journal thought it proper to tell that one Congressman was talking about something that he knew nothing about, and was criticizing an important corps of the Army.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, may I have five minutes more?

Mr. DENT. Then, Mr. Chairman, I ask unanimous consent that at the conclusion of the gentleman's remarks, five minutes, all debate on the paragraph be closed.

Mr. GREEN of Iowa. Will the gentleman let me get in for five minutes on that particular point? I think I have some information that I can give to the committee.

Mr. DENT. Ten minutes, then.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the end of 10 minutes debate on this paragraph be closed. Is there objection?

Mr. FOSTER. Reserving the right to object, I should like to ask if we are to continue this sort of discussion on this bill all the time? If we are, I am going to object to any more. I will not object at this time; but here we have spent a whole day on two or three pages of this bill. I am going to object to any more of them, I do not care who they are.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. The intention is to indicate to the world that the Aviation Corps of the Army was unjustly criticized, and the writer of this article took occasion to jump upon a Member of Congress for having the temerity to criticize the Aviation Corps. You will note that in this article, while there may not be a plain attempt to misrepresent, there nevertheless is an intention to convey an impression that is not borne out by the facts. In the first place, it is assumed that the criticism was improper. It is intended by the article to furnish evidence that the criticism was improper. But a careful inspection of the article will disclose that every fact therein stated tending to show efficiency in the Aviation Corps has nothing whatever to do with the criticism I made. My criticism was directed at the flying corps as it started with Pershing in Mexico, not in September, October, or November, but in March and April, 1916, when the clarion call sounded and our President said to Pershing and his men, "Cross the line and get Villa, dead or alive." To get him we needed the aid of aeroplanes. Aeroplanes were sent down to aid in the work. I was not discussing whether pupils have learned to fly from San Diego to Los Angeles, or what is the total number of miles flown by all the men wearing the uniform of Uncle Sam and flying in recent months. I tried to direct the attention of the House, and I am frank to say I hope the attention of the Army, to the fact that we were observing them. I tried to call the attention of the House to the fact that our Aviation Corps up until recently was a shame and a disgrace to our Army, and I do not take back one jot or tittle of that. Now let us see if I am fortified in what I have to say. The Chief of the Aviation Corps to-day is Col. Squier. The Chief of the Signal Corps of the Army, as everybody knows, is Gen. Scriven, a very distinguished man. Both these gentlemen appeared before the committee having charge of this bill. Now I want to read from the testimony on page 993

of the hearings the following. Gen. Scriven, who has charge of the Signal Corps, was testifying. He said:

Take, for instance, the conditions as they exist on the border. An aeroplane goes up, meets with some unfavorable conditions, and comes down perhaps 30 or 40 miles away from any place where it can get any assistance. That is the end of the machine. On the contrary, if the machine came down at a place where repairs could be made, the broken parts may be replaced without difficulty.

Mr. KAHN. What do you mean when you say that is the end of the machine? Do you have to abandon it?

Gen. SCRIVEN. We may have to abandon it if you can not get any of the parts you need. That would be especially true in case the machine came down in an enemy's country.

Mr. KAHN. How many of our machines have met with such a fate recently?

Gen. SCRIVEN. There have been a good many of them which met such a fate down in Mexico. All of the first lot we sent down there suffered that fate.

All! Not one, or two, or three, but all.

Mr. KAHN. There was some question about those machines being fitted for the work you expected them to do, was there not?

Gen. SCRIVEN. They were picked up and taken down there because they were all we had. They were taken down from Fort Sill and San Diego, where the conditions were different; but it was absolutely necessary to send them out, as the days were those of war. They were low-power machines—90-horsepower Curtiss machines.

Mr. SMITH of Michigan. How many of those machines were there with the Pershing expedition at first—only nine, were there not?

Mr. MILLER of Minnesota. My recollection is there were eight. There may have been nine. A little further on Col. Squier, who is the very efficient head of the Aviation Corps, was testifying, at page 1018:

Mr. McKellar. As I understand it, when you went down on the border, all the machines that you had failed to come up to what was required of them; in other words, you could not fly over mountains?

Col. SQUIER. Yes, sir; that is correct.

Mr. McKellar. These new machines that you say you are now equipped with, have you had a practical demonstration that they can fly above the highest mountains down there?

Col. SQUIER. Perhaps not the highest ones, but they fly readily over mountains.

Mr. McKellar. Do they cross mountains in going down to Gen. Pershing?

Col. SQUIER. Yes, sir.

Mr. McKellar. And those are the same mountains that those previous machines could not cross?

Col. SQUIER. I think so; these 160-horsepower machines—

Mr. McKellar (interposing). What was the difficulty with the other machines—that they had too small a horsepower?

Col. SQUIER. Yes, sir.

Mr. McKellar. And you got rid of all of those?

Col. SQUIER. Yes, sir.

I do not ask for any other testimony. None is needed. The flying detachment that first went to aid Pershing in his expedition into Mexico was a flat, complete failure, and it will not help the Aviation Corps of the Army one bit at this moment or at any future time to try to cast slurs upon any Member of Congress who knew the facts and who desires to call the attention of his colleagues to them. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, the writer of the article which the gentleman from Minnesota has just read says that our machines in Mexico did not fly. "Good God, no!" says this writer. Did the writer of that article know anything about what he was writing about? Good God, no! He had not investigated it. He says it was the duty of Congressmen and the part of patriotism for them to investigate into such matters. I agree with him, and I did investigate into them. I found out some things in addition to what the gentleman from Minnesota had stated why the machines were a failure. It was not the fault of Congress and in some respects not the fault of the Signal Corps that they were failures, but the writer seems to intimate, as we have heard and seen in the papers all over the country, that everything that fails in the hands of the Army or the Navy is the fault of Congress. Whatever befell these machines in that respect was not the fault of Congress. The machines that went to Mexico did not fly, as the writer of the article says—or some of them did not fly any distance to speak of, as I was informed by a member of the Signal Corps, who claimed to know all about it—failed to fly because of the rarity of the air and the dryness, which caused the propeller to disintegrate and fly to pieces.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SHALLENBERGER. Then the opinion of the gentleman is that the aviation system fell down in Mexico because they were trying to fly with conditions under which they had not tried to use the machines before; that they were successful at the sea level, but failed under the high atmospheric conditions that existed down there?

Mr. GREEN of Iowa. That is the information I have and which I received from a member of the Signal Corps. It was

not all the reasons, as stated by the gentleman from Minnesota. The principal reason was that the propeller wheels went to pieces and they had to experiment a long time to find a place where they could have them manufactured so they would stand the climate. They did find a manufacturer in Chicago who was able to make propellers of a proper kind.

Mr. KEATING. Is the gentleman familiar with the testimony given by a dozen experts before the Naval Affairs Committee in which they testified that we had never manufactured an aeroplane in this country which could fly under war conditions?

Mr. GREEN of Iowa. I am not.

Mr. KEATING. Certain experts came before the Naval Committee and testified to that effect.

Mr. GREEN of Iowa. That is not entirely correct, because we have built some aeroplanes that have flown under war conditions.

Mr. GARDNER. Does the gentleman remember that since 1910 Mr. Edison has been trying to adapt a battery to submarines and has not been yet successful?

Mr. GREEN of Iowa. I remember that he has been claiming that he had the best battery in the world.

Mr. GARDNER. He had the best explosive that could be made.

Mr. GREEN of Iowa. He succeeded admirably in creating an explosion. But the point I want to make is that the newspaper attack on Congress for not making proper supplies for the Mexican expedition had no foundation whatever.

Mr. KAHN. If the gentleman will allow me, it has been the policy of the Military Committee of the House to say that it will not advise the executive branch of the War Department as to what kind of machines or instruments they should use. That is left entirely to the War Department. We furnish the money and they must take the responsibility of acquiring the proper materials.

Mr. GREEN of Iowa. The gentleman is correct; I was coming to that point. We have acted upon the advice of the experts, but for some reason or other the public think that Congress is acting on its own information in these matters, while exactly the contrary is true. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DUPRÉ having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments, had insisted upon its amendments to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, had asked a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. SHAFROTH, Mr. KERN, and Mr. POINDEXTER as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, and expenses of taking depositions and securing other evidence for use before the same, \$60,000.

Mr. MOORE of Pennsylvania. I move to strike out the last word. The gentleman from Illinois [Mr. FOSTER], who is sort of an official timekeeper of the House, has indicated that he proposes to prevent any further extension of time on this bill. I want to join him, with this statement: That I will do everything I can to help him expedite this bill, except this, that I have asked the gentleman from Texas [Mr. CALLAWAY] to be here to-morrow morning, when I wish to make a motion for the passage of the resolution investigating the charges the gentleman from Texas put in the RECORD affecting some of the great newspapers of the country, that are alleged to have been coloring war news with a view to embroiling the United States in the war in Europe.

While I have not spoken on this bill to-day, hoping to advance the passage of it, I want to congratulate the committee and the country upon the more pacific tone of the great editorial writers this morning. They seem less bellicose than they were last week, when they were declaring this country in a state of war. If during the last three or four days some of us have made it possible for the masses of the people of the country to understand the frightful consequences of being thrown into a European conflict it may have been a very fortunate thing. It has at least given them a chance to breathe.

The President, according to some of the publications, was to have addressed us yesterday upon the question of the war; some of the great editors had been urging that he should appear before this body and demand a declaration of war. But they

did not find the "overt act" for which they were searching, nor have they yet found the "insult" they were ready to substitute for the "overt act," so that for a moment the people have been able to think and this body has been able to deliberate and go on with two important bills, the Post Office bill and the Army bill, as a representative body should without pressure from the outside and without being stampeded. This is as it should be before the country is plunged into war, with all its entangling alliances and subsequent burdens. The President has at least been given liberty for a brief time to deal with this great problem seriously and to come to Congress in the constitutional way. I am glad to have this opportunity to say to the chairman of the committee that I shall speak no more to-day and will do all I can to hasten the passage of this Army preparedness bill. [Applause.]

The Clerk read as follows:

For amount required to make monthly payments to Jennie Carroll, widow of James Carroll, late major, United States Army, \$1,500: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harriet C. Carroll, mother of the late Maj. James Carroll, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$600 per annum, payable monthly.

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. KEATING. Mr. Chairman, I desire to strike out the last word. I want to get some information from the chairman of the committee. Mrs. Carroll is the widow of the major who died as the result of the yellow-fever experiment?

Mr. DENT. Yes. Mrs. Jennie Carroll is the widow of the officer who gave up his life in experiments in yellow fever in Cuba. Harriet C. Carroll, the other named in this paragraph, is the mother. That portion of the paragraph is new. It is intended to take care of his old mother, who is now living in Washington. I understand she is about 83 or 84 years of age and is living in some home for old women. She is being supported largely by the charity of the friends of Maj. Carroll.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. KEATING. Mr. Chairman, has Mrs. Jennie Carroll remarried?

Mr. DENT. Mr. Chairman, I could not answer that question positively, but I should say not, because her name is being carried, and has been carried for years, in this appropriation bill in that way.

Mr. KEATING. Is there any other member of the committee who can give a positive answer to that?

Mr. FIELDS. I have no information about it.

Mr. DENT. We are still carrying her under the same name. We have no information that she has been remarried. She has several children, I understand, and this is about all she has to support herself.

Mr. CARTER of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 20, line 3, after the figures "\$75,000," insert the following: "Provided, That Mary Elizabeth Graham, mother of Leo J. Graham, late of Company C, Thirty-first Regiment Michigan Volunteer Infantry, National Guard, shall be regarded as the duly designated beneficiary of the late Leo J. Graham, under the act approved May 11, 1908, as amended by the act approved March 3, 1909."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. DENT. On the amendment I reserve the point of order.

Mr. FIELDS. Mr. Chairman, can the gentleman give us some information about this?

Mr. CARTER of Massachusetts. Mr. Chairman, this is the case of a boy who was shot while on the border, near the Mexican line, through an accident at target practice. He failed to name a beneficiary. This amendment simply calls for \$60 pay that his beneficiary would have received providing he had named a beneficiary.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Massachusetts. Yes.

Mr. DENT. Has the gentleman introduced a bill of this kind?

Mr. CARTER of Massachusetts. I introduced a bill and was informed that it would not get through in this session. Therefore I have offered this amendment at this session.

Mr. DENT. Has it gone to the Committee on Military Affairs of the House?

Mr. CARTER of Massachusetts. I think so; but I was informed that it would not get through at this session.

Mr. DENT. Mr. Chairman, I want to state to the gentleman that the Committee on Military Affairs has a number of these bills of this general nature where a soldier on the border has

been killed without naming a beneficiary. The committee in several instances, where the proof was that the soldier had no wife and no children that the person designated was the mother, father, or some one dependent upon him, has invariably reported the bill favorably.

But I really think it ought not to be incorporated in the Army appropriation bill unless these facts should have investigation at the hands of the committee. I will state to the gentleman that if the facts warrant it the committee will undoubtedly and gladly report out a bill allowing the beneficiary suggested in the bill.

Mr. CARTER of Massachusetts. If the gentleman thinks it can go through this session.

Mr. DENT. Well, of course, it would have to go through on the Private Calendar.

Mr. CARTER of Massachusetts. As long as it goes through this session, I have no objection.

Mr. DENT. I have no objection personally to the bill. I have supported these measures in the committee. I think it is perfectly right, and the only question is whether or not we should not have an investigation to know whether or not we are naming the proper beneficiary, and there ought to be some investigation in order to determine that fact. If we open the doors to one bill, then these others would be naturally offered to this bill also. That is the only objection to the gentleman's bill. I will state, as far as I am concerned, the Military Committee stands ready to report the bill, if the gentleman puts it before the committee, and do what we can to have it passed this session, but under the circumstances I shall have to insist upon the point of order.

The CHAIRMAN. Without objection, the gentleman asks leave to withdraw his amendment, if it is agreeable to the gentleman.

There was no objection.

The Clerk read as follows:

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage to commissioned officers, contract surgeons, expert accountant, Inspector General's Department, Army field clerks, and field clerks of the Quartermaster Corps, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund.

Mr. DENT. Mr. Chairman, I ask unanimous consent to strike out lines 5 and 6. They are unnecessary.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 21, by striking out lines 5 and 6.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps, and enlisted men of the Army: *Provided*, That the sum of \$12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard who may be competitors in the national rifle match: *Provided further*, That no competitor shall be entitled to commutation of rations in excess of \$1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of 40 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment, and general prisoners while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and general prisoners sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein), to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony not to exceed \$4,000, which shall be immediately available; in all, \$16,500,000.

Mr. DENT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21, line 20, after the word "corps" insert "while on active duty."

Mr. DENT. Mr. Chairman, the object of that amendment is apparent on the face of it. Those words were left out in the print. The purpose is to give the officers of the Reserve Corps while on active duty the right to purchase supplies like the regular officers and enlisted men.

The question was taken and the amendment was agreed to.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. I would like to ask why it is, on page 23, \$4,000 is appropriated for subsistence of West Point cadets while attending the inaugural ceremonies and, on page 32, \$15,000 is also appropriated for their traveling expenses. Why were those two items separated?

Mr. DENT. One is, of course, for expenses of the cadets in going to and from West Point and Washington and the other is to take care of them while they are here.

Mr. KAHN. We have done it every four years.

Mr. DENT. These appropriations are made every four years.

Mr. SEARS. If this is the usual appropriation I will call attention to the fact there are about a couple of hundred more cadets at West Point at this time than four years ago.

Mr. DENT. The department asked us for this amount and did not ask any more and I suppose if they wanted any more they would have asked for it.

Mr. SEARS. Perhaps the other amount was too large.

Mr. SLOAN. Mr. Chairman, perhaps the most interesting part of the debate on this great military appropriation bill is on the subject of obtaining enlistments and then having the soldiers stay in the Regular Army.

The distance between the Regular officer, with his West Point or other institutional training, creates, perhaps unconsciously, an aristocracy in the Army, both as to culture and remuneration. This, I think, is a large reason why enlistment is repulsive to the better class of young men, and continued service thereunder becomes undesirable and irksome.

My criticism, in brief, would be that in the Regular Army we have a European system rather than an American system. We seek to fit the European system upon an American people. Our young men consider themselves the equal of the other young men of the United States and superior to the young men of any other nation on the earth. Moreover, within bounds and reason the man who marches in the ranks regards himself fundamentally as good as he who carries the sword and issues the orders. So American young men, unless unfortunate in life in some way, are not inclined to enter a service where they take the lower side in a system of more or less caste.

In the National Guard, and therefore in the United States troops coming from the National Guard, there is not the snobishness of the officers nor the abject subservience of the men. Enlisted men and noncommissioned officers usually know personally the officers, their station, and families at home. To the ordinary young member of the National Guard, officer, neighbor, and friend are synonymous terms. Barriers of rank are only on formal parade, drill, or other important function.

I believe that National Guard officers and men would go together as far or farther into danger as seasoned officers and veteran Regulars. First, they are on an average more intelligent. Second, there is no crushed spirit in their ranks. On the other hand, there is an ambition to advance and excel, which the enlisted Regular does not always have or know.

These facts seem to have seized the Regular Army officers from the highest to the lowest. They have, instead of trying to Americanize the Army, or at least improve, when Americanization had been shown, condemned it. Therefore in the past months during the Mexican expedition from every Regular quarter, including those near the head of the service at Washington, emphatic if not always intelligent criticisms have been turned loose at the club, in committee hearing, on the platform, and in the press against the National Guard system—officers and men as well.

Congressman CRAIG, for 25 years a member of the National Guard of his State, in a speech in Congress made a few very interesting observations, from which I quote:

The National Guard was contemplated or was expected to exist under the provisions of the act of June 3, 1916. In other words, the act of June 3 had not gone into effect, so far as the National Guard was concerned. Hence all these criticisms of the National Guard in that call for the border service are based on a wrong conception of what we had to call on when that call of June 18 was made.

The Regular Army could not get recruits. The National Guard did get recruits overnight. They furnished this Government with almost 140,000 enlisted men, with trained officers to handle them. When the Government could not turn in any other direction, and was absolutely helpless for recruits for the Regular Army, the National Guard furnished the men who were needed. We are told that some of the Regular

Army organizations which went to the border and some which went to Vera Cruz had as low as 20 men to the company. I know this is true, that so many officers had been detailed on special duty here in Washington and elsewhere that company after company of the regular units were commanded by second lieutenants, lieutenants of the National Guard, and in some cases noncommissioned officers, not a single commissioned officer being present with his company, because these officers were doing work which could have been done by some clerk at a very small salary. In fact, much clerical work has been done by men holding the rank of captains and majors which should have been done by clerks.

Now, I think a great mistake has been made in minimizing the experience of these men on the border. The fact that the newspapers of this country have condemned this service has taken a great deal of the pride out of these men who so willingly and so patriotically offered their services when the President thought they were needed. Only the other night, I am glad to hear Maj. Gen. Scott say, the purpose of mobilizing the guard on the border had been accomplished, that prior to that time they were hearing continually of the invasion of our border by the Mexicans, but that since the guard had gone down there he had never heard anything of that kind. The Mexicans thought the only Army we could possibly muster was our small Regular force, and when within a few days' time these Volunteer organizations were sent down there it put an entirely different aspect on affairs.

From the report of William A. Mann, brigadier general, General Staff, Chief of Militia Bureau, dated December 19, 1916, I take the following: Number of members of National Guard transported to the border to date.....

156, 414

Strength of National Guard troops in the service of the United States July 31, 1916, on border.....

110, 957

In State mobilization camps.....

40, 139

Total.....

151, 096

This is the condition just 13 days after the call was made.

In regard to the matter of clothing and food for the National Guard, this was a duty to be performed by the Government. When the men of these organizations had to stand around, in view of the public, with no clothing except their torn and tattered civilian clothes it was not a criticism of the National Guard, it was a criticism of the War Department, which had the matter in charge. Some of the men of these organizations were not yet properly equipped when they came home after four or five months' service.

Looking back in fair retrospect we can say that the delays and mistakes were largely those of the War Department and not those of the National Guard. If the War Department had furnished uniforms and arms, transportation, and subsistence as promptly as many of the boys of the National Guard furnished from farm, factory, shop, and office good physiques, clean lives, quick brains, and effective activities, then there would have been little ground for the carping criticism that we read and hear.

I know something of the two gallant regiments from Nebraska, the Fourth and Fifth, and also the Hospital and Signal Corps from the same State. They were among the first to muster, the most early to equip, and prompt to start for the border.

If the men knew the worth of these young men "of the border" there would be more springing to their defense. A large number in the organizations named were from the farms, leaving the most valuable harvest our State ever produced. A loss of money and a loss of opportunity in our great harvest year. There were professional men, including physicians, teachers, and lawyers; there were clerks, students, and tradesmen. All left employment to go when called, and at a time when they could have avoided it. Among these were many who left wife and children. Of course, there were similar separations in other States, but separation from such wives and babies as we have in Nebraska is a test of which only a Nebraska thoroughbred is capable.

All of these organizations distinguished and acquitted themselves with distinction among the border organizations for devotion to duty, capacity to learn, and ability to perform duties assigned them. They were sober and law-abiding. There was little demand for court-martial. There was much occasion for official commendation. They were typical Nebraska Americans, and that meant Nebraskans by birth or choice. They were descendants of New England Puritan and southern cavalier, sturdy middle-section stock as well as those coming from the best blood of Europe, many of whose relatives are now yielding their blood and lives in the awful conflict of the Old World. To these of the National Guard the English Jack, French tricolor, or Teutonic eagles had little interest. The Stars and Stripes filled their patriotic sky and satisfied their military vision. [Applause.]

Among all the regiments in the Brownsville district it was a Nebraska regiment that ranked first in inspection, examinations, drills, and in the great maneuver. The soldiers of the monarchies are well described by Shakespeare in Henry V: "Give them great meals of beef, iron, and steel, they will eat like wolves and fight like devils." Give our American National Guards who graduated into the United States service, wholesome food like they might have at home, tents for refreshing sleep, sanitary surroundings, as all men during this age should have, good books to read, humane and intelligent officers to direct; let all those in authority from Commander in Chief down to the humblest noncommissioned officer recognize the soldier to be a

man; give him then a worthy cause in which to either carry or defend the flag, and it will be carried and where carried stay put. [Applause.] And while they might not fight "like devils," they would fight to victory "any devils" who opposed them at or beyond the Rio Grande. [Applause.]

Of such men and of such mettle were the gallant regiments and corps from Nebraska.

They made good on the border. They would make good elsewhere if properly called. I hope no great international provocation may arise that may call these or any of those now back from the border to active service from their well-earned rest.

Discussion on this floor in recent days has often been ill tempered and ill advised. There have been some special protestations of loyalty and patriotism which no one questioned. There have been strictures upon the conduct and policy of certain Members living in the great heart of the continent. This prompted me to make some investigations, first, relative to my own State, and second, those States where the respective majorities of their Congressmen voted to warn Americans from taking passage on endangered ships.

The scope of my inquiry was the record made in the Spanish-American War and in the recent border expedition.

I found that Nebraska furnished in these two military campaigns 49 soldiers out of every 10,000 population. Compared with certain States it was:

| | |
|--------------------|----|
| Nebraska..... | 49 |
| Ohio..... | 45 |
| Massachusetts..... | 45 |
| New York..... | 43 |
| Indiana..... | 40 |
| Illinois..... | 40 |
| Missouri..... | 40 |
| New Jersey..... | 39 |
| Alabama..... | 35 |
| Virginia..... | 34 |

As compared with certain geographic sections recognized by the census:

| | |
|-------------------------|----|
| Nebraska..... | 49 |
| New England..... | 48 |
| Middle Atlantic..... | 42 |
| East North Central..... | 41 |
| East South Central..... | 41 |
| West South Central..... | 43 |
| South Atlantic..... | 37 |
| East South Central..... | 34 |
| Mountain..... | 46 |
| Pacific..... | 46 |

The States where majorities in this House voted for warning to reckless sea passengers, speaking collectively, furnished in the two military campaigns for every 10,000 population 43 soldiers; all other States, 38; and for the whole United States, 39.

Nebraska is in good company, and Nebraska helps swell the company's average rather than reduce it.

Nebraska as a Territory did her full share in furnishing soldiers for the Union Army. Nebraska in the only two opportunities it has had since assuming statehood demonstrated two things: First, that she will wait for the action of the constitutional authorities before engaging in battles or winning victories; second, when put to the test does her share in full and rounded measure. The West generally always believes in and hopes for peace with all the world, as long as it can be maintained with honor, as do all the people of the United States, yet when war has been declared and soldiers have been called for, history shows that the West furnishes the highest quota of soldiers to fight the battles, win the victories, and maintain the honor of the United States. [Applause.]

We will tolerate no aspersions of our motives. We move in national matters in harmony with the Constitution. We accept suggestions as to our course from none who seem to have forgotten that between severance of diplomatic relations and a foreign war there is a deliberative branch of the Government known as the Congress of the United States. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection; construction and repair of military reservation fences; stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; and the necessary power for the operation of moving-picture machines; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men; contract surgeons when stationed at and occupying public quarters at military posts; for officers of the National Guard attending service and garrison schools, and for recruits, guards,

hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto, and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; authorized issues of soap; for hire of employees; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry, and batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Quartermaster Corps, certificates for discharged soldiers, and for printing department orders and reports, \$11,000,000.

Mr. TILSON and Mr. GARDNER rose.

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON], a member of the committee, is recognized.

Mr. TILSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TILSON. Is this the proper place to submit an amendment to this paragraph, or should I wait until after the proviso has been read? I desire to move a slight amendment to the phraseology of the paragraph just read.

Mr. DENT. I will ask the gentleman if it is just a matter of phraseology?

Mr. TILSON. It is a new item, increasing the scope of the paragraph.

The CHAIRMAN. Where does the gentleman want to insert the amendment?

Mr. TILSON. On page 24, line 23. I would like to know whether I should offer the amendment now or wait until after the proviso is read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. TILSON: Page 24, line 23, after the word "posts," insert the words "for purchase of relief maps for issue to organizations."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. TILSON. Mr. Chairman, I am informed that while National Guard organizations can be and are supplied with relief maps for war-map problems the Regular Army is not authorized to purchase them. I understand that under existing law relief maps may be purchased and issued to the National Guard, and that they have been so issued and are being used in war-map problem work, while the Regular Army can not purchase them under any appropriation made for the Regular Army. A relief map is very helpful, indeed, in the instruction of officers by the war-map problem method. This amendment does not increase the amount appropriated, but simply inserts the new language that was read at the Clerk's desk, authorizing the purchase of relief maps for issue to regular organizations.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

Mr. DENT. I have no objection to the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. TILSON].

The question was taken, and the amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The Clerk read as follows:

Incidental expenses, Quartermaster Corps: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster Corps, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than 10 days; as additional school-teachers during the school term at post schools, and as clerks for post quartermasters at military posts, and for overseers of general prisoners at posts designated by the War Department for the confinement of general prisoners,

and for the United States disciplinary barracks guard: *Provided*, That hereafter the extra-duty pay to the United States disciplinary barracks guard shall be at the following rates per day: Battalion sergeants major, first sergeants, mess sergeants, supply sergeants, and sergeants, 35 cents; cooks and mechanics, 20 cents; corporals, privates first class, privates, and buglers, 30 cents; of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots who are graduates of the schools for bakers and cooks, and instructor cooks at the schools for bakers and cooks; for expenses of express to and from frontier posts and armies in the field; of escorts to officers or agents of the Quartermaster Corps to trains where military escorts can not be furnished; authorized office furniture; authorized issue of towels; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government, and the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than \$50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures required for the several regiments of Cavalry, the batteries of Field Artillery, and such companies of Infantry and Scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horse-shoes and blacksmith's tools for the Cavalry service, and for the shoeing of horses and mules; chests and issue outfits; and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, \$1,800,000.

Mr. DENT. Mr. Chairman, I offer the following committee amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

On page 27, line 13, between the words "cents" and "cooks," insert "corporals, 30 cents." Also, strike out of said line 13 the words and figures "20 cents; corporals."

The CHAIRMAN. Without objection, the Chair will submit the amendments together. [After a pause.] The Chair hears none.

The amendments were agreed to.

Mr. DENT. Mr. Chairman, I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 27, line 14, by striking out the figures "30" and inserting "20" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. McKELLAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the last word on the last line of page 28 the following:

"Provided, That not exceeding \$6,000 of said sum, to be paid in monthly installments, shall be expended in the employ of a congressional accountant, who shall be selected by a joint resolution of the Senate and House of Representatives, and whose duty shall be to examine and audit the sums expended under this item, as well as all the items of expenditure contained in this act, to the end that the expenditures under this item and the expenditures under all items in this act may be conserved and in proper cases lessened; that the said employee shall be learned and trained in the business of accounting; that he must have no official connection with said department; that he shall not be connected by blood or marriage with the head of any department or any assistant therein, or the chief of any bureau in said department. He shall examine and audit not only the items of expenditure contained in this act, but he shall examine and report upon the estimates for the appropriation bills submitted by the said department for the next fiscal year. He shall be prepared at all times to give to the Committees on Military Affairs in each branch of Congress all the information needed about each and every appropriation set forth in such appropriation bills; the advisability or lack of advisability of continuing such appropriations or items of appropriations; whether said appropriations may be reduced, whether said appropriations have been judiciously and economically expended, and every detail in connection with each item of expenditure of said appropriation asked for by the said department; that the books and papers and records of said department shall be open at all times to the said accountant, and full and explicit information shall at all times be given him by the officials of said department and those acting under them, and every facility furnished so that said accountant may be able to have the most accurate information concerning the workings of said department, so far as appropriations are concerned, but his work shall be done without interrupting the business of the said department, in so far as the same may be possible; and the said accountant shall give to the said committees of Congress full reports whenever called upon, showing how the public expenditures may be lessened and the public money may be economically expended."

Mr. DENT. Mr. Chairman, I reserve a point of order on the amendment.

Mr. McKELLAR. Mr. Chairman, I do not think it is subject to a point of order.

Mr. STAFFORD. If the gentleman has any doubts about it, let us have the question decided forthwith in order to save the

time of the committee, unless the gentleman really wants to discuss the merits of it.

Mr. McKELLAR. I will be glad to discuss the point of order, if the gentleman desires it.

Mr. STAFFORD. I will make the point of order, if the gentleman desires it.

Mr. McKELLAR. Mr. Chairman, I think this is not subject to a point of order for this reason: Taking it in connection with the section just preceding, to which it refers specifically, it is certainly germane, and in addition to that the effect of this amendment is to lessen the expenditures in this bill, and it must necessarily have that effect. It does not do so in terms, but it must necessarily have that effect.

Now, for the many years that I have been connected with this committee I have noticed these very large items, amounting to many million dollars, one of them in the section just preceding this amounting to \$11,000,000, and in this section amounting to \$1,800,000 for various expenses; and in examining the witnesses who appear before our committee it is very difficult to tell how these moneys are expended. It is absolutely necessary to an economical running of this department of the Government that we should have an accountant of this kind in order that the expenditures of Congress for the military department of our Government shall be lessened.

Now, if the Chair please, I find that this case falls almost directly within a ruling made by the present occupant of the chair several years ago. In 1912 the present chairman [Mr. SAUNDERS] ruled, and I call the attention of the gentleman to his ruling, on page 508 of the Rules and Practice:

In this connection the Chair will state that it is not necessary for an amendment to be in order that it should be specifically directed to a reduction in terms of an amount in a bill. Of course, if it is addressed to such an amount, and reduces the same in terms, it will be in order. As, for instance, if the sum of \$1,000,000 is appropriated for a designated purpose pursuant to the requirements of existing law and an amendment is submitted reducing this amount to \$995,000, such an amendment will be in order. But the Holman rule admits of other amendments in order. The language of the rule is to the effect that germane amendments changing existing law are in order provided they retrench expenditures by the reduction of amounts of money covered by the bill.

The words "amounts of money covered by the bill" refer not only to the amounts specifically appropriated by the bill, but to the amounts required under the different heads or items of expense to which the bill relates.

I submit, Mr. Chairman, that that amendment comes almost directly within this provision of the Holman rule. I read further:

And if the necessary effect of an amendment is to reduce in the operation of the departments or bureaus for which appropriations are made the amount otherwise required for any one or more heads or items of expense, then a retrenchment has been effected by a reduction of the amounts of money covered by the bill.

Again:

The precedents say, in this connection, that the amendment, being in itself a complete piece of legislation, must operate *ex proprio vigore* to effect a reduction of expenditures. The reduction must appear as a necessary result; that is, it must be apparent to the Chair that the amendment will operate of its own force to effect a reduction.

Now, I submit that this amendment on its face, by a necessary intendment, shows to anyone who is familiar, as I believe, with our method of appropriating money, that the necessary effect of the amendment, if adopted, would be to reduce expenditures. I believe it will reduce expenditures in this department of the Government by many millions of dollars every year. We appropriate items of money here in bulk for a vast number of purposes that are covered in general terms. No man in this House, no man on this committee, can tell where all of that money goes. We ought to have some knowledge of it. Why, as a business Government, spending this large amount of money, it seems to me beyond the shadow of a doubt that it is absolutely necessary for us to have this system, unless we are just going to appropriate all the money there is in the world in these various bills.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. I will with pleasure.

Mr. GREENE of Vermont. Does not the institution of a department for Congress to examine these accounts simply duplicate a service that is now performed by the Auditor for the War Department?

Mr. McKELLAR. Oh, no. It has nothing to do with that. It is a different method entirely. The accountant examines into the items of this very bill and reports to the House as to what is done with these items.

Mr. GREENE of Vermont. Before the money is expended?

Mr. McKELLAR. No.

Mr. CRAGO. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. CRAGO. Does not the gentleman know that the reports of the different heads of the Army give all these expenditures?

Mr. McKELLAR. No, indeed; that is exactly what I am seeking to get at. The reports of the department do not give any real facts. I have tried in the committee time and time again by cross-examination, as gimletlike as I could make it, to bring from these officers a statement as to how the money is expended, and you can not get it, and we all know we can not get it except in general terms. The only way it can be done effectually is by having an agent of this Congress, our agent, do it. They appeal to us for money. We ought to know for what purpose all of this money is expended and in what way it is expended; and whenever we do that we will save this Government countless millions of dollars, if this is adopted in every department of the Government, as I believe it ought to be.

I believe that this amendment is in order. I believe that under the decisions under the Holman rule the necessary effect of the adoption of this amendment will be to bring about retrenchment in the expenditures in this department. It will lessen the expenditures—

Mr. GREENE of Vermont. Is not the purpose of an auditor simply to show where the money has been expended and to get an itemized return of it?

Mr. McKELLAR. That may be the technical definition of what an auditor is, but the specific duties are imposed here in this amendment to show just exactly what becomes of the money.

Mr. GREENE of Vermont. That is just exactly what an auditor does in his report. He states what has become of the money, does he not?

Mr. McKELLAR. An auditor shows what has become of money spent after it has been spent. The object of this provision is to show to Congress where the money is to go before it is spent.

Mr. GREENE of Vermont. How can you show where money is going before you appropriate it?

Mr. McKELLAR. You can not show where money is going before you appropriate it; but any official charged with the expenditure of money will know that he has got to account to this congressional examiner, this agent of ours, who will pass upon this matter and report it to the next Congress, and the very necessary effect of it will be to lessen expenditures.

Mr. GREENE of Vermont. Can they spend a penny now that is not approved by the Comptroller?

Mr. McKELLAR. Of course not; but if the gentleman from Vermont will indulge me right there, we appropriate for a vast number of purposes, general purposes, for instance, horseshoeing, water, food—a thousand different objects of the most general nature, hundreds of items in this very section and the section preceding it of the most general nature, and the expenditure will pass the Comptroller for almost any one of these or similar items. If we have an accountant of our own, not amenable to anyone else except this body and to the Senate, in my judgment it will mean a lessening of the Government expenditures, not only this year but every year in the future, and I hope the gentleman will not make the point of order. If we are going to abdicate our power—

Mr. GREENE of Vermont. To an auditor of this kind?

Mr. McKELLAR. No; if we are going to abdicate our power and turn it over to the departments, and just accept whatever the departments send down here to us—if we are just to accept their recommendations, what is the use of our serving at all? Why do we not just accept the recommendations made by the Secretary and pass them? What is the use of our attempting to legislate on them at all?

Mr. GREENE of Vermont. Then the gentleman contends that the moral effect of having a congressional auditor for the benefit of this committee will so terrify the executive branch of the Government that there will be a speculative hope of saving money?

Mr. McKELLAR. Oh, no; not at all.

Mr. GREENE of Vermont. Does the gentleman contend that comes under the provision of the Holman rule?

Mr. McKELLAR. Oh, no; of course no speculation comes under the Holman rule.

Mr. GREENE of Vermont. Then the point of order lies.

Mr. McKELLAR. Oh, no; quite the contrary. This is not speculative decrease. The decrease comes as a necessary consequence.

Mr. GREENE of Vermont. Because you are depending on the Holman rule.

Mr. McKELLAR. No; quite the contrary. The gentleman wholly misunderstands it. My proposition is that in order that we may intelligently appropriate and expend this money we ought to have some man who is amenable to this Congress and

to no one else to pass upon the expenditures and give us information in reference to them, and furnish us a statement as to how these moneys are spent. Why, you just take the items for rent of various buildings in this town. Is there a man on this floor who can give you a single statement of what is paid and whether we get value received for it? We spend it in lump sums and in sums that are sometimes astonishing to contemplate.

Mr. KAHN. The gentleman is mistaken in saying that we pay rentals in the District of Columbia in lump sums.

Mr. McKELLAR. In this way: I recall one particular instance where we pay \$5,000 or \$4,900 in yearly rental for a garage or warehouse in the northeast. I have no doubt the property can be bought around that figure. But how do we know? We have a general statement made by the head of a department or the assistants. They do not know and we do not know from examination how the money is spent. They do not know themselves.

Mr. STAFFORD. Will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. STAFFORD. The gentleman is in error as to the lack of information furnished to the House as to the rentals of buildings. Under the law they must furnish the information in the Book of Estimates as to the rentals, the estimate per square foot.

Mr. McKELLAR. Not in this department.

Mr. STAFFORD. Yes; in all the departments; and if the gentleman will examine the Book of Estimates he will find that he is mistaken.

Mr. KAHN. Will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. KAHN. In these hearings every item is set forth in detail, with every dollar required for every item. For instance, this item, "Regular supplies," covers in the hearings pages 157 to 233, and every particular item of this paragraph is placed in these tables.

Mr. McKELLAR. Will the gentleman read one—pick it out himself?

Mr. KAHN (reading):—

Care and protection of regular supplies of Quartermaster Department: United States, \$63,760; Philippine Islands, \$16,300; total, \$80,073. Appropriated for the fiscal year 1916, \$61,841.67.

Mr. McKELLAR. Does that show this House anything about where the money is expended?

Mr. KAHN. It shows where it is to be expended. There is also a statement as to the particular items embraced in the totals.

Mr. McKELLAR. In general terms that the War Department spends \$61,000 for the warehousing of the quartermaster stores. These appropriations are mounting up to a stupendous sum. I recall that Mr. Taft said time and again that with a proper accounting system this Government could save \$300,000,000 a year. I do not believe he was out of whack about it; I believe it would be more. The one thing that we need to do is to take hold with our own authority, have our agents to tell us just exactly what is done with the money, how it is expended, and whether properly expended or not, and whether the figures they give us are correct or not.

Mr. DENT. Mr. Chairman, I want to say to the gentleman from Tennessee that he is pursuing a course which I think in the end may accomplish some good; but I hope the gentleman will not insist on that amendment at this time to this appropriation bill. Unquestionably it makes some material changes in the law. We have been proceeding on the theory that this bill is to carry into effect the legislation already adopted, and we have recommended only such changes in the administration of the law as the department has found inconvenient.

Mr. McKELLAR. I agree to that, but I think the amendment is in order; and I will ask the Chair for a ruling.

The CHAIRMAN. The gentleman from Tennessee insists that his amendment is in order under the Holman rule, and in that connection cites a ruling heretofore made by the present occupant of the chair. The Chair thinks that the principles announced in that ruling are correct and will follow them, but it hardly thinks that the gentleman from Tennessee has brought his amendment within the benefit of those principles. The main principle announced in that ruling was that in order for an amendment carrying new legislation to be in order on an appropriation bill, it must necessarily effect a reduction in expenditures. It can hardly be said that such will be the effect of the pending amendment. It proposes to create an economy agent, so to say. This functionary may serve a very useful purpose and recommend very wholesome economies, but it does not follow that Congress will act favorably upon these suggestions. It has notably failed to act on many of the recommendations of the

Economy Commission. Having in mind, therefore, that it is impossible to predicate the favorable action of Congress upon the recommendations of this functionary, how then can it be confidently claimed, much less considered, as established, that this amendment in its necessary operation will effect retrenchment? And unless it will necessarily operate to effect a retrenchment of expenditures the amendment is not in order under the Holman rule. The Chair sustains the point of order raised by the gentleman from Wisconsin.

Mr. MANN. Mr. Chairman, I move to strike out the last word. It is almost 6 o'clock.

Mr. DENT. Mr. Chairman, at the suggestion of the gentleman from California, which was that as we were running along harmoniously we might run until 6.30, I had prepared myself to that end.

Mr. MANN. Of course, I am willing to stay here as long as anybody, and do stay here from the time we meet until we adjourn, and I expect to do so to-day. But my understanding is that the gentleman from North Carolina is going to propose an evening session, and if so, and we take any recess at all, I think it ought to be a recess of two hours.

Mr. DENT. May I make a counterproposition, and that is that the next item be read? And then I will move that the committee rise.

Mr. MANN. Then I withdraw my motion to strike out the last word.

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to enlisted men on discharge; for payment of travel allowance as provided in section 126 of the act approved June 3, 1916, to enlisted men of the National Guard on their discharge from the service of the United States, and to members of the National Guard who have been mustered into the service of the United States and discharged on account of physical disability; for payment of travel pay to officers of the National Guard on their discharge from the service of the United States, as prescribed in the act approved March 2, 1901; for travel allowance to persons on their discharge from the United States disciplinary barracks or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such barracks or place, to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding \$4 for those authorized to receive the per diem allowance; of clothing and equipment and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *And provided further*, That nothing in the preceding provisions shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant acts; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, other vehicles, and motor-propelled and horse-drawn passenger-carrying vehicles as are required for the transportation of troops and supplies and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, \$15,000,000.

Provided further, That \$75,000 of the appropriation hereby made shall be available for additional pay of employees on harbor boats, quartermaster service, in lieu of subsistence.

Provided further, That of the amount herein appropriated not exceeding \$15,000 may be used for extraordinary expenses of transportation of West Point cadets to Washington, D. C., to attend inaugural ceremonies, and return, which sum shall be immediately available.

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

Mr. GREENE of Vermont. Mr. Chairman, it is understood that when the committee resumes consideration of the bill tomorrow, this paragraph is subject to amendment.

Mr. DENT. Oh, yes.

Mr. CALDWELL. Mr. Chairman, before the motion of the gentleman from Alabama is put, I ask unanimous consent to extend my remarks in the RECORD by printing a schedule of general information in respect to the means of defense of the country.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20783, the Army appropriation bill, and had come to no resolution thereon.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 20451, an omnibus pension bill, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table an omnibus pension bill, disagree to the Senate amendments, and agree to the conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. SHEPWOOD, Mr. RUSSELL of Missouri, and Mr. LANGLEY.

PORTO RICAN BILL.

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9533, to provide a civil government for Porto Rico, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Porto Rican bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. LONDON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for an opportunity to move to concur in some of the Senate amendments.

Mr. JONES. Mr. Speaker, I will say to the gentleman that there are some amendments that the House, I am sure, will accept, but we have thought it best to disagree to them all. I will say to the gentleman that if I am one of the conferees I shall be very glad to talk with him about any matter in which he is interested.

Mr. LONDON. I am particularly interested in the amendment relating to the extension of the franchise.

Mr. JONES. There will be some dispute over that, but I know the conferees will be very glad to hear the gentleman.

Mr. LONDON. Will the gentleman kindly renew his request to-morrow?

Mr. JONES. Oh, I hope the gentleman will not object. We want to get the bill printed to-night.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. JONES, Mr. GARRETT, and Mr. TOWNER.

Mr. JONES. Mr. Speaker, I ask, further, that the bill be printed with the Senate amendments numbered.

The SPEAKER. Is there objection?

There was no objection.

CLAIMS UNDER BOWMAN AND TUCKER ACTS.

Mr. BYRNES of South Carolina. Mr. Speaker, I present for printing under the rules a conference report upon the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts,

and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The SPEAKER. The gentleman presents a conference report for printing under the rules.

EXTENSION OF REMARKS.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two editorials from the Morris (Ill.) Herald.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the public-building bill and upon the Sisal Trust.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2543. An act for the relief of the State of Kentucky;

S. 1068. An act relating to desert-land entries; and

S. 1697. An act to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable.

CONFERENCE REPORT ON INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to present a conference report on the bill H. R. 18453, the Indian appropriation bill, and ask that it be printed under the rules.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The SPEAKER. Ordered printed under the rule.

EXTENSION OF REMARKS.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 18984.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory-bird law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

HOOR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. IGEE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Horace McMellon (H. R. 24039, 62d Cong.), no adverse report having been made thereon.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand at recess until 8 o'clock to-night, the evening session to be only for the consideration of unobjected bills on the Private Calendar, beginning where we left off the last time.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand at recess until 8 o'clock, to run not later than 10.30, for the consideration of uncontested bills on the Private Calendar—

Mr. KITCHIN. I accept the amendment.

Mr. VARE. Mr. Speaker, reserving the right to object, I would like to ask whether a bill would be considered in the event previous objection had been made and was now withdrawn?

Mr. KITCHIN. I was not here the last time and I do not know where they left off on the calendar. The probability is they will get through with the bills not reached and then go back.

Mr. VARE. Here is an illustration: I was absent the last meeting, and Mr. Cox, of Indiana, objected to a bill which I had and I am hopeful that he will see the merits of the proposition and withdraw his objection.

Mr. KITCHIN. We all hope so.

Mr. VARE. I mean in the event of his doing so will that bill be considered to-night?

Mr. KITCHIN. The calendar will be taken up where we left off and we will go through the calendar and then if there is any time they will go back.

Mr. TILSON. Mr. Speaker, there are two classes of bills on the private calendar that have had no show at all, a few that were between the place reached the other night and the bills which were reported at the present session of Congress. Then there are—

Mr. MANN. We will reach those to-night if we have the time.

Mr. MILLER of Delaware. We start off with No. 422 and that is right before the military bills.

The SPEAKER. Is there objection?

Mr. BOOHER. I object.

Mr. BURNETT. The gentleman objects to what?

Mr. BOOHER. To the request of the gentleman from North Carolina.

Mr. STAFFORD. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is to move to adjourn.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House, under its previous order, adjourned to meet to-morrow, Wednesday, February 21, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Kennebec River, Me., Parker Head Harbor and Channel (H. Doc. No. 2071); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting an estimate of appropriation under the title "Fortifications," Panama Canal (H. Doc. No. 2072); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of State submitting an estimate for inclusion in the general deficiency bill (H. Doc. No. 2073); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of Labor submitting estimates of appropriations required for additional expenses in enforcing the laws regulating immigration from May 1, 1917, to June 30, 1918 (H. Doc. No. 2074); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for printing charts, Coast and Geodetic Survey (H. Doc. No. 2075); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17496) to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the Commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill., reported the same with amendment, accompanied by a report (No. 1511), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 16606) providing for a memorial to Miss Clara Barton in the building being erected for the use of the American National Red Cross, reported the same adversely, accompanied by a report (No. 1512); to which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 8113) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1510), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 20996) to regulate and control the manufacture, sale, and use of weights and measures and of weighing and measuring devices; to the Committee on Coinage, Weights, and Measures.

By Mr. NELSON: A bill (H. R. 20997) to increase limit of cost for the proposed new Federal building and the site therefor; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 20998) to provide for an advisory referendum vote before a declaration of war by Congress; to the Committee on Foreign Affairs.

By Mr. FARR: A bill (H. R. 20999) for the relief of retired commissioned warrant officers detailed on active duty; to the Committee on Naval Affairs.

By Mr. CANDLER of Mississippi: A bill (H. R. 21000) for the relief of persons who are blind, exempting them from residence in entering public lands; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 21001) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: A bill (H. R. 21002) to authorize the Director of the Bureau of the Census, under certain conditions, to prepare and distribute blank ballots and to receive and count marked ballots and report to Congress the result of an advisory vote; to the Committee on Foreign Affairs.

By Mr. RICKETTS: A bill (H. R. 21007) providing for pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

By Mr. DENT: Resolution (H. Res. 516) providing for the consideration of an amendment to H. R. 20783; to the Committee on Rules.

By Mr. GLASS: Concurrent resolution (H. Con. Res. 76) authorizing the printing of volume I of the latest annual report of the Comptroller of the Currency; to the Committee on Printing.

By Mr. HULBERT: Memorial of the Legislature of the State of New York, favoring the appropriation of \$1,395,275 for transferring the quarantine establishment from the State of New York to the United States Government; to the Committee on Appropriations.

By Mr. GOULD: Memorial of the State Legislature of New York favoring the passage of H. R. 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Memorial of the Legislature of the State of Arkansas, favoring the prohibition of liquor advertisements in the mails; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON: A bill (H. R. 21003) granting a pension to John W. Owings; to the Committee on Pensions.

Also, a bill (H. R. 21004) granting an increase of pension to Esau Hartsell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21005) for the relief of James W. Mastin; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 21006) granting an increase of pension to Nancy Ann Wilson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of sundry citizens of St. Louis, Mo., commending the President on the stand he

took relative to the German situation; to the Committee on Foreign Affairs.

Also (by request), petition of socialists of Lockport, N. Y., urging Congress to prohibit Americans and American ships from the war zone; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of the Equitable Life Assurance Society of the United States, opposing the increase in the present tax on life-insurance funds as proposed in the "excess-profits" bill now pending; to the Committee on Ways and Means.

By Mr. DOOLING: Memorial of the Republican County Committee of the County of New York, approving universal military training; to the Committee on Military Affairs.

By Mr. DOOLITTLE: Petition of 100 citizens of Climax, Kans., protesting against compulsory military service; to the Committee on Military Affairs.

By Mr. EAGAN: Petition of New Jersey Agricultural Experiment Stations, New Brunswick, N. J., protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of Farmers National Congress, United States of America, in Madison, Wis., protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of General Manager of the Victor Talking Machine Co., Camden, N. J., favoring the Webb bill; to the Committee on Foreign Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, against bill to exclude liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Cincinnati Branch, American Union, against militarism; to the Committee on Military Affairs.

By Mr. FESS: Petitions of 293 publications of the State of Ohio, asking for the passage of a bill to bar liquor advertising from the mails; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petitions of various citizens of Illinois, opposed to war and favoring a referendum before any declaration of war; to the Committee on Foreign Affairs.

Also, petition of the Board of Temperance of the Methodist Episcopal Church, for excluding liquor advertisements from the mails and to prohibit shipment of liquor into dry territory; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petitions of citizens of Boston and Dorchester, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of members of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, petition of F. L. Dunne, Boston, Mass., opposing a referendum vote before a declaration of war; to the Committee on Foreign Affairs.

By Mr. HINDS: Petitions of the Kennebec Journal and 47 other newspapers in the State of Maine, favoring the exclusion of liquor advertising and soliciting from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of James E. Meyers and 244 other citizens of Belmont County, Ohio, opposing compulsory military training in any form; to the Committee on Military Affairs.

By Mr. HULBERT: Memorial of the Republican County Committee of the County of New York, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of the Republican County Committee of the County of New York, approving the action taken by the President to uphold our rights as a sovereign nation; to the Committee on Foreign Affairs.

By Mr. LAFFAN: Memorial adopted by Boston Post Office Clerks' Association, relative to House bill 17806; to the Committee on the Post Office and Post Roads.

Also, memorial of Philadelphia Produce Exchange, opposing House bill 20573; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of J. H. Hopkins, Berkeley Avenue, Baltimore, Md., opposing a referendum before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of Mount Airy and Baltimore, Md., favoring a referendum vote before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of the Baltimore Trust Co., Baltimore, Md., opposing the Kitchin bill; to the Committee on Ways and Means.

Also, petition of Independent Citizens' Union, of Baltimore, Md., favoring passage of Poindexter amendment to appropri-

tion bill, relative to office of postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of Swindell Bros., of Baltimore, Md., against bill authorizing banks to charge collection fees; to the Committee on Banking and Currency.

Also, petition of Strouse & Bros., of Baltimore, Md., opposing repeal of Federal reserve act; to the Committee on Banking and Currency.

Also, petitions of sundry citizens and societies of the State of Maryland, favoring passage of the migratory bird treaty act; to the Committee on Foreign Affairs.

By Mr. MADDEN: Petition of sundry citizens and voters of Chicago, Ill., favoring universal military training; to the Committee on Military Affairs.

By Mr. MORIN: Memorial of Oakland Board of Trade, D. A. Jones, secretary, urging the necessity of the early designation, construction, and maintenance of a system of national highways, to be built and maintained by the National Government; to the Committee on Roads.

By Mr. NELSON: Petitions of 50 people of the Woman's Christian Temperance Union, Platteville, and 200 people of the Woman's Christian Temperance Union, Madison, Wis., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Charles J. Joachine, Brooklyn, N. Y., opposing the law to increase the taxes of life insurance; to the Committee on Ways and Means.

Also, petition of the National Educators' Conservation Society, opposing the Shields-Adamson and Ferris-Myers water-power bills as now drawn; to the Committee on Interstate and Foreign Commerce.

Also, petition of John E. Brady, Brooklyn, N. Y., opposing the District prohibition bill without a referendum vote; to the Committee on the District of Columbia.

Also, petition of B. K. Dietrich, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Dr. James Cole Hancock, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SCHALL: Memorial of Operative Plasterers' International Association, of Minneapolis, No. 65, in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Brotherhood of Railway Postal Clerks, Local No. 5, of Minneapolis, Minn., in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Northwestern Lodge, No. 82, B. of L. F. and E., in re House bill 19730; to the Committee on Interstate and Foreign Commerce.

By Mr. TIMBERLAKE: Petitions of 100 people of the Baptist Church, Fort Morgan, Colo., and 38 people of the Hanover Union Sabbath School, Hanover, Colo., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of members of the convention of New England Electrical, Civil, and Mechanical Engineers, Boston, Mass., supporting the President in the hope that our rights may be obtained by peaceful means; to the Committee on Foreign Affairs.

Also, memorial of board of directors of the Springfield Board of Trade, urging the introduction of legislation which will enable the Interstate Commerce Commission of the United States to legally grant permission for the continued operation of the Sound steamship lines by the New York, New Haven & Hartford Railroad system; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Pennsylvania: Petition of the Haws Avenue Men's Bible Class, of Norristown, Pa., favoring passage of prohibition legislation; to the Committee on the Judiciary.

Also, petition of George W. Shade and 87 other citizens of Telford, Pa., announcing their opposition to the United States entering into a state of war and demanding that a declaration of war be referred to a referendum of the citizens; to the Committee on Foreign Affairs.

Also, petition of Mrs. J. Benninghoff, F. W. Zandel, jr., and 55 other citizens of McKinley, Montgomery County, Pa., praying for the passage of Senate joint resolution 55; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of Jacob Kren and 101 citizens of Wishek; P. J. Moen and others, of Flora; Christ Roth and 31 others, of Danzig; P. Goldade and 45 others, of Berwick; and Shell Butte Voters' League, all of North Dakota, asking for referendum on question of war; to the Committee on Foreign Affairs.